H.F.M.

H.F.M. No. 82

Bundle No. 22-A

V-II

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Vol-II

Bundle No. 22-A

Vol-II

(1) பக்கங்களின் எண்ணிக்கை ______________

(2) புதுக்கித் திருப்பிய நாள் ______________

(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம் ______________

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

______________ துறை

~~அரசாணை எண்.~~
மு. கோப்புத் தாள் எண்:

அச்சகம்
பலவகை

[redacted] HFM NO: 82
B.NO.22-A

நாள் : VOL-II 199 .

கண்டபடி கையாளவோ கூடாது.

r. 1—18,006—6-9-90.

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not to prosecute Joseph for his ~~Madxx~~ Madura ebullitions but there is another count pending against him. The question of the prosecution of Yakub Hasan is still under consideration but the trend of opinion is against prosecution. Cases which seem worthy of notice are referred to the Advocate-General at present. It is possible that the practice might be adopted more generally.

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Item5-prosecution of members of unlawful assemblies under Sectio 143, I.P.C.

The difficulty is that unless a member of a crowd is actually arrested at the scene of its activities he is not unlikely toget off in a criminal trial on the score of inadequate proof of identity rebutted by a plausible and artistically concocted alibi.

4. The Govt. of India desire to know whether we concur in this appreciation of the situation and in the adequacy of the suggested measures. If we have any alternative proposals they wish to hear our views.

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CONFIDENTIAL.

Public Department

My dear O'Donnell,

Please refer to your Demi Official No.156, dated the 28th January 1921, on the subject of the Non-co-operation movement and to our telegram of the 19th of Febraury. In that telegram it was stated that the Governor in Council had at the moment no alternative proposals for the adoption of which he desired to press but that in regar to the appreciation of the general situation a further statement would follow.

2. The Government have now further considered the matter. As for the adequacy of the measures by which non-co-operation should be countered (para 6 of your letter), the ~~Government~~ Governor in Council agrees that any general resort to special and emergency legislation had best be avoided. He regards as most important the adoption of the principle set out in clause(4) para6 of your letter, viz., the vigorous prosecution under the ordinary law of all persons who are guilty of making seditious speeches and of inciting to violence. Had this policy been put into full effect the Governor in Council douhts whether matters would have reached their present stage; but the impunity which the leaders have higherto enjoyed as part of the policy laid down in Macpherson's Demi Official No. 4147 of the 4th September 1920, and the consequent impression that the Government were afraid to interfere with their activities have given so great an encouragement to license that the prosecutionof all cases in which violent and seditious language is used is now no longer possible and action must in practice be restricted tothe worst cases. If it is now intended to abandon the discrimination between the leaders and the smaller men and to prosecute all alike when specific offences against the ordinary law can be brought home to them, the future course of action will be placed on clearer and more satisfactory lines. But from the latter part of the clause(4) para6 of your letter under reply, the Governor in Council apprehends that the Government of India are still averse from the prosecution of such persons as Gandhi/~~and~~/the Ali Brothers even for

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incitements to violence punishable under the regular Criminal Code. In the case of Gandhi it seems unlikely that he will for the present be betrayed into open advocacy of violence but so far as the Governor in Council is aware that can hardly be said of Muhammad Ali and Shaukat Ali. The Governor in Council has long fx felt that in this matter all offenders should be treated alike an and I will consider that the earliest possible opportunity which arises under the ordinary law should be taken to curb the activities of Shaukat Ali and Muhammad Ali. Were such steps taken and were it thus made plain that the Govt. were determined to suppress incitements to violence without respect of persons, the effect on the smaller men could hardly fail to be considerable and their prosecution, when undertaken, would no longer be open to the reproach that the Govt. prosecuted only the followers because they feared to attack the leaders.

3. I am to add in support of this Government's view that the effect of the action taken in Calicut against Yakub Hasan, a leader of considerable local importance, has so far as present information goes, had a steadying effect in Malabar and the adjoining district of South Kanara. The procedure in xix this case was by prohibition of a meeting which was held likely to disturb the public peace and by action under section 107 of the Criminal Procedure Code when it was known that the prohibition was about to be disregarded. The Governor in Council considers it essential that the same procedure should be maintained in other districts should occasion arise and should be applied impartially to all non-co-operation agitators however important they may be. He trusts that the Govt. of India will concur in this view. In the meantime he will continue as in the past to examine the case of every speech delivered which contains incitement to violence and to order prosecution whenever his legal advisers hold out a prospect of a conviction: but so long as it is possible to say that other men of greater importance have used with impunity language equally seditious and equally provocative, it is not surprising if difficulty is felt in finding cases which can with confidence be brought into courts.

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Reference your letter dated March 19th - Non-co-operation movement Government of India will address local Governments shortly in regard to policy to be pursued. In the meantime as some misapprehension seems to exist regarding intentions of the Government of India on the subject of the prosecution of persons guilty of making seditious or violent speeches Government of India desire to make it clear that it is (my last telegram) that prosecution should be freely instituted under the ordinary law not only against those guilty of incitement to violence but also against persons whose speeches are calculated to arouse such feelings disaffection and enmity - hatred as are likely lead to violence not as an ultimate or remote consequence but as probable result in the near future and without discrimination of persons subject only to condition that no prosecution should be instituted against Gandhi without prior reference to Government of India.

Home No. 572 (Poll)

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dated 28/3/21

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VISIT OF GANDHI TO MADRAS

Discussion by the members of the Executive Committee.

In a C.I.D. Report received to day and now in circulation it was stated that Gandhi proposed to visit Bezwada about March 3rd and also some other places in the north of the Presidency.

There is a possibility of his visiting Malabar. a course which is being advocated by the local N.C.O. leaders. We have warned India by cypher telegram of the possibility of his being immuted to intervene in Malabar affairs. We have to decide what action should be taken.

2. In August 1920, it was reported that Gandhi with Shaukat Ali and others proposed to visit Madras. We asked India whether we might extern them. Only to be met with refusal. India however were willing to allow us to prevent a visit to the Mappilla area under the Defence, India Act. It was decided that as India wouldn't permit externment from the presidency Government would not extern him from Malabar.

3. There are precedents for externment orders under the Defence of India Act rules. One of them against Gandhi himself is put up.

4. It is now for orders what action of any should be taken of the rumoured visit of Gandhi;

(a) to the Madras Presidency

(b) to Malabar.

materialises.

The Defence of India Act is a war measure on force till 6 months after the date of termination of the war. It will soon be inoperative. It would probably be unexpedient to use this war measure with in the present case. It would certainly excite comment and advocise criticism.

For preventive measures we must rely on the C.P.C. It is important that District Magistrates should be given the outline of the policy which Government advocate. Should any instruction be issued to them? Sections 108 and 144 C.P.C. seem to offer the greatest scope for action. So far as regards Malabar having already prevented the meeting at which Yakub Hasan proposed to speak, we shall I xx presume pursue the same policy with regard to Gandhi, local conditions being the same as before.

In other portions of the Presidency specific meetings may, at the discretion of the District Magistrate be prevented under section 144 C.P.C. of a breach of the peace is apprehended.- but we should give the D.M.s a lead.

I am personally very apprehensive of the consequence of descents on Bezwada and other ijf inflammable Andhra Centres - not so much on the score of risk of immediate and serious breakes of the peace, as with reference to after effects. Mr.P.L.Moore the District Magistrate Kistna is an officer whose discretion can be trusted and I would rather not fetter him .

As to Malabar Mr. Thomas has proved his right to be trusted and I would follow his advice. We cannot allow Mr. Gandhi and to address prohibited meetings in Malabar after having refused permission to Mr. Yakab Hasan. But I should not take the initiative in excluding them from Malabar unless Mr. Thomas preserves for it. Mr. Gandhi's latest alterations utterances suggest that he is not definitely opposing defiance of prohibitory orders against meetings.

The position is some degrees worse than it was in August last owing to the unrest in Malabar arising largely out of last year's visit: See for instance ø Shaukat Ali's inflammatory remarks at Calicut on 18th August to an audience of 10,000 to 15,000. An account of that xx visit is given at pp.113-114 of S.F. No.307: it was a comparative failure at the time but I doubt not aroused interest which has grown apace since then, especially since the beginning of the year. I asked not like to risk a repetition of such a visit.

I agree in the main with the observations of my Hon'ble Colleague (Law). It seems to me that the quastion for immediate consideration is whether Government should take the initiative in the matter of the proposed visit of Gandhi to Bezwada and Calicut. I feel inclined to the view that we need not but that we should prefer to allow absolute and unfettered discretion to the M District Magistrates concerned to deal with the situation as they deem best. Mr. Thomas at Calicut needs no outside instructions and is in complete command of the field. He can well be trusted to takle tackle this case also as well as he did the previous one. Mr. Moore can also be expected to bring similar direction to bear on the question. If it becomes necessary in the interest of peace and safety to prohibit the lectures, they must be stopped. The District Magistrates of the two Districts are the best judges in this matter.

There seems to be a general consurns of opinion that we should tell the Government of India that we intend to rely on one D.Ms: to take action should occasion arises, if there is a danger of breach of the peace through the presence of any of these propagandists in any part of the Presidency, whoever they may be with that Tagree.

But I do essert the position of the Government of India. They have allowed things to go so far that they don't dare tackle the leaders now and so they sheud down to us and ask us to deal with the leaders or others who may be likely by their speeches to cause disorder. I am afraid I have small faith as to the ellect of disunion in the legislative Assembly or Council of State who breaths a hope for amity and concord. The instruction there are presumably cooperators who have <u>some</u> faith in the Reforms, the propagandists have sons and therefore soft words won't affect them. My own view is that always been that we ought to have jumped on this agitation at once in its early days; now the only chance seems to be a counter propaganda by the people who support the Reforms. Is it impossible for our ministers with their big majority in the country to start a counter campaign?

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HISTORY OF NON-CO-OPERATION MOVEMENT IN THE MADRAS PRESIDENCY

(Secret File No.328, dated 15-11-1921 - Non-co-operation - General policy - January - November 1921 - Government of India's instructions - Instructions to District Magistrates - Picketing - Seditious Speeches - Use of security sections - Anti Non-co-operation propaganda - etc., Serial No.134).

S E C R E T.

D.O. No.1060

Government of India

H o m e D e p a r t m e n t.

P o l i t i c a l

Simla, the 18th June 1921.

My Dear Marjoribanks,

In the Home Department telegram No.572, dated the 28th March 1921, a promise was made that local Governments would shortly be addressed again by the Government of India in regard to the policy to be followed towards the non-co-operation movement. The promised communication has, however, been deferred from time to time owing to the rapid changes that have recently occurred in the general political situation in India. At the moment there would seem to be a lull in certain aspects of the movement, and the Government of India have taken the opportunity of examining, the light of the replies received to O'Donnell's demi-official letter No.156, dated the 28th January 1921, the question whether it is desirable to adhere to, or to modify, the policy which was outlined in that letter, and was amplified in the Home Department telegram of the 28th March 1921. They now desire to state for the information of local Governments the conclusion at which they have arrived.

2. On the one hand it must be recognised that within the last few months the situation has undergone substantial change, firstly owing to the arrival in India of a new Viceroy and secondly by the results that have followed from His Excellency's interview with Mr. Gandhi, especially in its effect on the position as leaders of Mohomed Ali and Shaukat ali. The Hindu community as a whole, with the exception possibly of a few extremists, has for some time been seriously alarmed by the utterrences of these brothers on the possibility of an Afghan invasion and on the attitude which they have advised Indian Muhammadans to adopt in that contingency, and this feeling of alarm had undoubtedly weakened the influence of the diminished by the contrast between the terms of their public apology and the bsavado of their previous speeches. Mr. Gandhi himself also appears from the speeches which he has made since he left Simla to be less sanguine of success and more inclined to direct attention to the social side of the movement than to political agitation. His attitude on the Afghan question and his assumption of autocratic authority have also affected his influence. One or two of the most prominent leaders, e.g., Mr. B.C.Pal, have openly split with him and there are signs that others are growing restive under his leadership. His own attitude too has undergone some modification. Information before the Government indicates that he recently addressed a letter to the leaders of the movement in Bihar counselling moderation, both in speech and action, and it is not improbable that similar advice has been given in other provinces. Nearly all provinces have lately reported a general decline in interest in the movement, a falling-off in subscriptions and a growing disinclination to attend public meetings.

3. These are certainly hopeful signs, which indicate that the leaders of the movement are less confident of success and that some of them at any rate are less bitter. Moreover, we have now practically reached the end of what is always the most critical season of the Indian year, when the agricultural

classes owing to enforced idleness are peculiarly exposed to the influence of the agitator. It might be ~~ag~~ argued that the moment has now arrived for some relaxation of the policy which has hitherto been followed, and that it would now be politic not to institute prosecutions for seditious speeches or writing when this can be avoided. On the other hand it would be idle to deny that there are still many seriously disquieting symptoms.

5. Moreover even if it be correct to say that the present attitude of Gandhi and possibly also of other leaders is less bitter than it has been in the past, it would not be safe to assume that this change is a permanent one, that it is accepted by their followers, or that the non-co-operation movement is for this reason less of a menace to the general peace of the country. The real danger of the non-co-operation movement lies in the influence which it exercises over the ignorant masses. With the educated classes it may be said on the whole to have failed, but the factory hands and the railway employees who strike, the convicts to have broken out of jail, the coolies who have migrated from Assam and the peasants who recently defied law and order in Oudh, all proclaim Mr. Gandhi as their leader and appear to think that if they obey what are represented as his orders, the British Raj will disappear and a golden age of prosperity for India will begin. However insistently Mr. Gandhi and other leaders may preach the doctrine of non-violence, Government cannot overlook the dangers that still underlie the popularity of the movement among the ignorant masses, in the face of definite evidence regarding the general disrespect for law and order and the contempt for authority which it engenders. There is always the possibility of such sudden and unforeseen outbreaks of violence as recently occurred in Partabgarh, Melegaon and Giridhi, . The leaders of the movement probably recognise that these outbreaks weaken their cause but nevertheless they seem to be wholly powerless to control or prevent them.

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6. On a careful review of the existing situation the Governor General in Council has come to the conclusion that, while it is not desirable at the present juncture to force the pace or to risk exciting a fresh outburnsts of anti-Government feeling by overdrastic action against the less violent and dangerous adherents of the movement, he must insist that there shall be no general relaxation of the policy in regard to prosecutions for incitement to violence, direct or indirect, laid down in previous letters, though he is prepared to leave it to local Governments to make such exceptions in individual cases as seem to them for special reasons to be desirable. The Government of India are confirmed in this view by the General consensus of opinion among local Governments that the measures set forth in paragraph 6 of O'Donnell's letter no.156 of 28th January 1921 should continue to be applied. I am now to supplement those instructions with more detailed directions in regard to prosecutions, as there are indications that in certain quarters the orders already issued have been to some extent misunderstood. It has for example been suggested that the Government of India have been averse from the prosecution of the leaders of the movement: doubts have bean expressed of the Government's intention to enforce the law against any but local firebrands and finally the view has been put forward that under existing orders local Governments are only to undertake prosecutions in cases of direct incitement to violence.

7. It is not the intention of the Government of India that those restrictions should be imposed on the powers of the local Governments or local officers, and I am now to repeat what was stated in the Home Department telegram of the 28th March 1921, that in the view of the Government of India it is highly desirable that prosecutions should be freely instituted under the ordinary law not only against those persons who are guilty of direct incitement to violence, but also against those whose speeches are calculated to arouse such feelings of disaffection,

enmity or hatred as are likely, in the opinion of the local Government, to lead to violence, not as an ultimate or remote consequence but as a probable result in the near future. While anxious not to hamper the action of local Governments by too minute or detailed directions, the Government of India desire particularly to emphasize the necessity of watching and where necessary prosecuting local agitators who frequently in the guise of SADHUS devote their energies to stirring up trouble in villages or industrial centres, and all agents who may be caught endeavouring to seduce the police or troops from their duty.

8. As regards the the prosecution of leaders, the direction that no prosecution against Mr. Gandhi should be instituted without prior reference to the Government of India will remain in force. The Governor General in Council has carefully considered the cases of other prominent individuals whose prosecution would be likely to affect the situation in more than one province. He fully recognises the responsibility of local Governments for the maintenance of law and order and realises that they are in a better position than the Government of India to judge whether the prosecution of individuals is necessary to prevent local disorders. He is therefore anxious to interfere as little as possible with their discretion in the matter, but he has after careful consideration come to the conclusion that he must in modification of previous orders, request that no prosecution which is likely in the opinion of the local Government, to affect the general situation in more than one province should be instituted without the previous approval of the Government of India.

9. There is another point to which the attention of the Government of India has been drawn by recent reports from various provinces and that is the growing extent to which the so-called non-co-operation courts or PANCHAYATS are usurping the functions of the ordinary courts of law. While the substitution of arbitration by private bodies or persons for expensive and protracted litigation in the civil courts is in itself not only a reasonable but a desirable principle, the Government of

India consider it essential that the panchayats should not be allowed to assume jurisdiction by force or illegal pressure over persons who are unwilling to submit to it. Several cases of oppression and ill-treatment of individuals by these non-co-operation courts have recently been brought to their notice, and they desire to impress on local Governments the desirability of prompt enquiry into all complaints of such oppression and where necessary of criminal proceedings against the oppressors.

10. In the foregoing paragraphs I have attempted to indicate the general policy of the Government of India towards the non-co-operation movement, but there is one other matter arising out of the recent public apology and undertaking given by Mohammed Ali and Shaukat Ali to which I am desired to draw the attention of the local Governments. The Governor General in Council is anxious to avoid all the appearance of treating the more prominent leaders with greater leniency than agitators of only local or provincial importance, and he accordingly desires local Governments to consider the advisability of extending to other and less prominent offenders the same concession as was given to the Ali brothers. The question is largely one for local Governments, who are in the best position to decide to whom this indulgence can be granted with due regard to the public interest. Probably there are, however, some cases, particularly those of immature youths or of persons convicted of comparatively venial offences, in which such clemency would be beneficial. Should local Governments agree that this is feasible, it is suggested that in trials actually pending the Public Prosecutor might state that it is the desire of Government to prevent disorder rather than to punish it, and might where the local Government think this course desirable, explain the conditions on which the prosecution would be withdrawn . The Government of India are, further, of opinion that subject to the same limitations this clemency might be exercised,

not only in the case of those who are being prosecuted or whose prosecution is contemplated for offences already committed, but also in the case of persons who have been actually convicted, provided that they are willing to make public apology for their past misconduct and to give guarantees of a trustworthy character to the satisfaction of the local Government for their future good behaviour. This opportunity should in no circumstances be given to persons guilty of offences involving actual violence, but only, when the local Government thinks this course desirable to persons who have been convicted or whose prosecution is contemplated for offences under sections 124-A, 153-A and 188 of the Indian Penal Code in connection with the non-co-operation movement, or who have been imprisoned in default of furnishing security under section 108 of the Code of Criminal Procedure. It is, I am to add, not suggested that the same indulgence should be shown to those who offend in future. Nor is it the intention of the Government of India that anything in the nature of a general amnesty should be announced, as that might only result in pressure being brought on offenders to refuse to accept clemency on any terms. But should local Governments accept this proposal in principle, they could doubtless arrange to inform prisoners now in jail of the terms on which they can obtain their release.

11. Hitherto reference has been made to the prosecution of individuals as such. It now remains to consider whether the prosecution of the principal leaders on a charge of conspiracy would be practicable in the event of this course being becoming necessary. At present the Government of India do not intend to embark on a campaign of this nature. They believe the time to be inopportune; they are doubtful of the benefit of such a course and are not entirely sanguine as to success of a prosecution if undertaken . In any case the same results could probably be secured by the prosecution of individuals undersections 124-A of the Indian Penal Code or under section 108 of the Code of Criminal Procedure.

12. The prompt suppression of any outbreaks of disorder and violence that may occur is, of course, essential, but in present conditions the despatch of small detachments of troops sometimes asked for by local Governments for this purpose is often impossible. The number of troops relegated for duty in connection with internal security is small and indeed it is not part of the functions of the army to carry out what are primarily the police duties of quelling civil disturbances or of providing a deterrent in the primary stages. The Government of India are there fore of opinion that local Governments should consider the advisability of forming as early as possible strong battallions of armed police, indenting on the army Department for for such arms as are available, if further arms are required, which could be utilized at apprehended danger points instead of the regular troops. They refrain, however, from giving any direction to this effect, as a decision to form such battalions must largely depend on the accurate appraisement of the local needs and financial considerations, but they commend this suggestions to the very early and favourable consideration of His Excellency the Governor in Council.

13. The decision of the Extremist party no longer to boycott Municipal Boards and other local bodies, followed by the active participation of the members of the non-co-operation party in Municipal elections in particular provinces, raises a question of importance which has not hitherto been dealt with in the correspondence with local Governments on the subject of non-co-operation, namely, the possibility of local bodies being captured by the non-co-operators with the object of employing the corporate authority of these QUASI-official bodies in direct opposition to Government and of utilizing municipal or local funds in order to establish national schools. The Government of India cannot on the information available from an opinion as to the success likely to attend the efforts of the non-co-operation party in this direction, and it is possible that the candidature of many

non-co-operators for municipal and local bodies may give some impetus to the anti-non-co-operation movement which is now beginning to assume an organised form. At the same time the Government of India are of opinion that the possibility of Municipalities and local bodies being captured by the non-co-operation party and the funds of such bodies being used to promote the movement must be faced. The Danger arising from this new development is particularly serious in regard to educational institutions, the control of which is now very largely vested in local bodies. The law relating to local bodies varied in different provinces, but I am to request that early attention be given to this matter, that the legal position may be carefully examined and the action to be taken may be fully, considered and as far as possible be decided in advance in order that, should this contingency come to pass prompt steps may be taken before serious developments occur. I am to add that information of any substantial success of the non-co-operation party in this direction should be promptly communicated to the Government of India.

14. Finally while the Government of India hope that the policy indicated in this letter will maintain confidence in the prestige and authority of Government they are of opinion that there is some force in the criticism occasionally put forward that Government might with advantage take more active and vigorous steps to defend and justify its attitude. In paragraph 6(3) of Mr. O'Donnell's letter of January 1921, the importance of counter-propaganda, as for example giving the widest possible publicity to the intention of Government to introduce remedial measures, was mentioned, but I am now to say that the Government of India believe that the time has come to consider whether propaganda should not be carried on in the more human and personal way characteristic of western countries. Resolutions of the Government of India or of local Governments published in the Gazette, communiques, inspired articles and pamphlets have their

and pamphlets have their uses but experience shows that in reality they do little to break down what has been described as "the barriers of silence" between the Government and the people. In this connection the suggestion has been made that as in western countries the Ministers of Government are constantly moving about the country explaining and justifying their policy, so in India heads of local Governments, Members of Council and Ministers, commissioners and District Officers should should use every opportunity both public and private to explain the aims and policy of Government. The Government of India have reason to believe that something is already being done on these lines, especially in the United Provinces where instructions have been issued that the preventive work of instituting prosecutions and prohibiting meetings must be supplemented by positive propaganda. Specific orders have been given that district officers should appeal publicly to all classes (other than the avowed non-co-operators) to come forward and form an anti-revolutionary league, of which the District Magistrate should be the President and some prominent lawyer-politician Secretary. It is possible that action on these lines or similar lines is contemplated in your Province, but if this is not the case I am to commend to the very early and earnest consideration of His Excellency the Governor in Council the possibility of establishing similar organisations to combat the movement and of inviting the assistance of the non-official community with this object. The advantage of constant public pronouncements regarding the policy of Government, or in answer to criticisms, made, by high officials of Government and heads of administrations is obvious. The success attending the new Legislative Councils and the frankness exhibited by official spokesmen of Government are ample evidence of this, and the Government of India believe that with the development of this spirit of frankness on the part of high officials and of the sence of responsibility among non-officials even greater success will be attained in the future.

15. The Government of India regret that they are unable to accept this view that the situation in Burma at present is such that a different policy should be adopted in that province. The policy they have laid down must be regarded as a general one for the whole of India and the application of different principles in Burma might, in the opinion of the Governor General in Council, re-act unfavourably on the Policy in India.

Yours sincerely,

H. D. Craig.

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STRICTLY CONFIDENTIAL.

Public Department.

D.O. No.1014/O-1, Public, dated 16th July 1921.

Dear Sir,

(Non-co-operation -- General policy).

The Government of India have recently issued demi officially a review of the political situation in its relation to the non-co-operation movement from which they draw the conclusion that while there are hopeful signs which indicate that the leaders of the movement are less confident of success than they were, it cannot be denied that there are still many seriously disquieting symptoms.

2. They then go on to issue certain instructions which I am to communicate to you for information and guidance.

3. As regards the leaders of the movement it is not a fact that the Government of India are averse to their prosecution, and they have leave it to Local Governments as far as possible to exercise their discretion in particular cases, subject to the two following restrictions:-

(a) Mr. Gandhi Himself is not to be prosecuted without previous reference to the Government of India.

(b) No prosecution which is likely in the opinion of the Local Government to affect the situation in more than one province is to be instituted without the previous approval of the Government of India.

4. As regards other adherents of the movement they have laid it down that "it is highly desirable that prosecutions should be freely instituted under the ordinary law not only against those persons who are guilty of direct incitement to violence, but also against those whose speeches are calculated to arouse such feelings of disaffection, enmity or hatred as are likely to lead to violence, <u>not as an ultimate or remote consequence but as a probable result in the near future</u>."

5. This Government have already issued circulars on this subject to District Magistrates. In D.O. No.231-S., dated 14th September 1920, they emphasized the importance of successful prosecutions for direct incitements to disorder. Previous to that, in D.O. No.156-S., dated 16th June 1920, which was modified by D.O. No.200S dated 10th August 1920, instructions were given as to the use of the preventive sections of the Criminal Procedure Code. It will be observed that these instructions are to some extent modified by the present instructions of the Government of India, as the sentence underlined above limits the application of the seditious sections of the Indian Penal Code in a way not contemplated by the that Code; but this Government are of opinion that that statement of the conditions under which prosecutions are commended as highly desirable does not preclude recommendations by District Magistrates to enforce sections 124-A and 153-A of the Indian Penal Code in other cases where for special reasons such action may seem expedient.

6. The Government of India also wish to emphasize the importance of watching for and reporting without delay any cases which may come to notice of political agitators in the guise of Sadhus stirring up trouble in villages or industrial centres, and any attempts which may be made to seduce the police or troops from the duty.

This Government have already issued instructions on these lines in D.O. No.221-S, dated 29th August 1920, and Memorandum No.296-S., dated 16th December 1920, so far as troops and the police are concerned, but the Sadhu movement is comparatively new and required careful watching.

7. Another point to which the Government of India invite special attention is the extent to which so-called non-co-operation courts or panchayats are usurping the functions of the ordinary courts of law.

No cases have hitherto been brought to the notice of this Government of oppression or ill-treatmnt of individuals by these Non-co-operation courts, and the Government have already issued

instructions in G.O. No.265, dated 2nd May 1921 , regulating regarding the protection of loyal citizens. These instructions are reiterated and if any such cases of oppression come to light in future they should be reported at once and prompt action should be taken to inquire into them and where necessary to institute criminal proceedings against the oppressors.

8. The essential points to be borned in mind may be summed up as follows:-

(a) Prosecutions under the ordinary law are to be instituted wherever necessary in the interest of law and order.

(b) Adequate protection is to be afforded to these who do not sympathise with the movement and are on that account subjected to oppression of criminal character.

(c) The movement in all its aspects is to be closely watched and dangerous developments are to be promptly checked.

9. There is however one important qualification arising out of the recent public apology and undertaking given by the Ali Brothers. The Government of India have suggested the advisability of extending similar concessions to other and less prominent offenders in order to avoid the appearance of treatment the more important leaders with undue leniency. It is not the intention of the Government of India that there should be anything in the nature of a general amnesty, nor that similar indulgence should be shown to those who offend in future nor to those who have been guilty of offences involving actual violence.

10. Subject to the qualifications, the Government of India suggs- suggest that in the case of those who have been, or are being, or are about to be prosecuted for offences (subh as those falling under Section 124-A, 153-A and 188, Indian Penal Code) in connexion with the non-co-operation movement, and more particularly in the case of immature youths and persons who are guilty of comparatively venial offences, they may be given the opportunity of apologising for their conduct and undertaking not to repeat it.

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Where prosecutions have been actually launched the Public prosecutor might state that it is the desire of Government to prevent disorder rathen than to punish it, and might announce that Government were prepared to withdraw the prosecution on a personal apology from the accused and a promise not to offend in future. If the prosecutions have not yet been actually instituted, the District Magistrate might give the offender a similar opportunity.

11. In the case of those already convicted of offences such as those above referred to, the Government of India suggest that they might be given an opportunity to make a public apology for their past misconduct and to give guarantees of a trustworthy character, to the satisfaction of the Local Government for their future good behaviour. Arrangements might be made to inform prisoners now in jail of these terms, and if they accept them they might be released.

12. I am to request that you will examine any cases in your district which may come within the scope of these suggestions, and either take action yourself, or where such action is not within your powers, make recommendations to Government where you think it desirable.

Yours sincerely,

N.E. MARJORIBANKS,

Acting Chief Secretary.

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SECRET.

D.-O. No.228.

GOVERNMENT OF INDIA

HOME DEPARTMENT

(Political)

-:/:-

Simla, the 23rd July 1921.

My Dear Marjoribanks,

I am desired to address you on the movement for the boycott of foreign cloth recently inaugurated by Mr. Gandhi and more especially on his threat to picket the shops of cloth-dealers if within a fixed time they do not dispose of their stocks of foreign-made cloth and fall into line with the movement.

2. From information which has reached the Government of India from various sources it does not seem likely that the boycott will in the long run meet with substantial success so far as the piece goods dealers themselves are concerned. Although it may succeed for a time, self-interest and financial considerations are likely to prove in the long run stronger than Mr. Gandhi's appeal to sentiment. It is reported that it is quite impossible for the dealers to dispose of their stocks within the limit laid down unless they do so at prices which would involve them in bankruptcy, and it is well known that most of them have already been hard hit by the fall in exchange. As regards the Bombay mill-owners although a successful boycott of foreign cloth would no doubt benefit them, many of them are either European or Parsis and it is therefore unlikely that any moral support for the boycott is to be expected from the mill-owners as a body. Nevertheless it would be idle to disregard the risk that the movement may receive a considerable measure of popular support, or the dangers which are likely to result from it. The cessation or even a substantial reduction of imports would inevitably mean a large enhancement of the retail price of cloth, would increase the existing economic distress among the lower classes and might very probably lead to disorder in rural areas and to the looting of markets and shops.

3. The Government of India apprehend that although many dealers in foreign cloth may hesitate openly to oppose Gandhi's campaign and may even profess a certain amount of sympathy with it, the great majority both of importers and dealers and indeed of their customers have no real desire to see foreign cloth excluded from India. Great pressure is, however, being brought to bear by Mr. Gandhi and his adherents on the dealers who are naturally anxious to know what line Government is going to take in the matter, more particularly when the period of grace expires or the picketing of shops begins. It is therefore important that Government should take adequate steps to protect citizens in the exercise of their lawful right to purchase and sell what goods they like. In the circumstances the Governor General in Council considers that it is essential that importers and dealers in foreign cloth should receive as soon as possible definite assurances of the support and encouragement of Government in opposing the boycott movement.

4. So far as picketing is concerned, there is of course, a clear distinction between lawful persuasion and intimidation and Mr. Gandhi himself definitely advocates non-violent or peaceful picketing; at the same time it is evident that he himself is doubtful whether it can be dissociated from the use or show of force. In a recent conference with the Parsi liquor merchants of Bombay he emphasized the view that bad characters should not be employed on picketing and gave an assurance that if force were used he would stop picketing. Little value can , however, be attached to this assurance. Experience in India and indeed all over the world has shown that picketing is in fact not peaceful, that it is accompanied by intimidation and that it almost invariably leads to the commission of such offences as wrongful restraint, criminal intimidation and the use of criminal force. There were a large number of cases of assault, riots, thefts and intimidation in connection with the boycott of foreign goods that was so prominent a feature of the anti-partition agitation in Bengal in 1906-07, and quite recently serious disorders have been caused in various parts of India by the picketing of liquor shops. It must therefore be re-

cognised that if Mr. Gandhi adheres to his threat of picketing shops in which foreign cloth is sold, breaches of the law will inevitably follow and there will be risk of gave grave disorder.

5. It is clearly the duty of the Government to protect its citizens from these consequences. In dealing with the picketing of liquor shops, Government was in a somewhat difficult position as any strong action on their part might have been represented as hostility to the cause of genuine temperance reforms. This difficulty does not however exist in regard to the picketing of cloth dealers' shops, and it cannot be seriously argued that there is any moral or religious objection to the use of foreign cloth. The Government of India hope therefore that all local Governments will take vigorous action to oppose any campaign of unlawful picketing and that they will make it clear that disorder arising out of this campaign will not be tolerated. It is suggested, for the consideration of His Excellency the Governor in Council, that in localities where it is likely that picketing will be introduced, action should be taken on the following lines:-

(a) a vigorous campaign of propaganda should be started in order to make people realise that, as India produces less cloth than her population requires, the boycott of foreign cloth must inevitably lead to an immediate and serious rise in prices and may lead to disorder and looting, and that these consequences will be the result, not of any action on the part of Government, but of Mr. Gandhi's campaign;

(B) an assurance of support and protection should be given to importers and dealers who are opposed to the boycott movement and every effort should be made to give effect to the assurance;

(c) in threatened localities the police force and especially the superior ranks should be temporarily strengthened in order to protect shop-keepers and their customers from intimidation and annoyance and to prevent the

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intimidation is probably the most effective method of dealing with the matter, but if it is to be successful, the police must have very clear instructions and a definite assurance of support in cases in which their conduct is impugned without justification; and

(d) Prompt and ~~xxxxxxxx~~ vigorous prosecutions should be initiated for any form of criminal intimidation, assault, criminal force or wrongful restraint. The Government of India attach particular importance to this form of action, as they believe that any hesitation in prosecuting actual offenders would not only gravely discourage those who are opposed to Mr. Gandhi doctrines but would also encourage the general contempt for authority and the spirit of lawlessness which have been engendered by the non-co-operation movement.

Yours sincerely,

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~~H.D.~~ H.D. Craig

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GOVERNMENT OF MADRAS

Public Department.

- : -

G.O. No.517, 16th August 1921.

Non-co-operation Movement.

Foreign Piece-goods - Boycott - Picketing - Government policy defined.

ORDER - No.517, Public, dated 16th August 1921.

The following press communique will issue:-

PRESS COMMUNIQUE

The Government wish their attitude towards the movement for the boycott of foreign cloth and especially the picketing of foreign cloth shops to be clearly understood. Owing to the fact that India produces less cloth than her population requires, such a movement must inevitably lead to an immediate rise in pricesand may lead to disorder and looting. The Government do not intend to tolerate disorder, and they assure merchants and importers of foreign cloth that they may count on the support of the Government in opposing all unlawful attemps to coerce them in this matter. To this end instructions have been issued to all District Magistrates and the Commissioner of Police in Madras to take every legal step necessary to stop illegal picketing and to protect merchants, traders and their customers in the pursuit of their lawful avocations.

(By Order of the Governor in Council)

N.E. MARJORIBANKS,

Acting Chief Secretary

to all departments of the Secretariat.

" the Publicity Officer,

" Editor's table.

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SECRET.

Public Department.

D.O. No.3823-1, ~~Political~~ Public, dated 16th August 1921.

Dear Sir,

In continuation of my D.O. No.1014/0-1 of July 16th I am to address you on the subject of the movement for the boycott of foreign cloth recently inaugurated by Mr. Gandhi, and more particularly on his threat to picket the shops of cloth dealers if they do not dispose of their stocks of foreign cloth within a fixed time and fall into line with the movement.

2. From information received, the Government of India have reason to believe that it is quite impossible for the dealers to dispose of their stocks within the time limit laid down, unless they do so at prices which would involve them in bankruptcy. At the same time they consider that it would be idle to disregard the risk that the movement may receive a large measure of popular supportor the dangers which are likely to result from it, and they point out that it is important that the Government should make it known that they will take adequate steps to protect citizens in the exercise of their lawful right to buy and sell what good s they like, so that importers and dealers in foreign cloth may be able to count on the support of Government in opposing the boycott movement.

3. As regards picketing it is true that Mr. Gandhi has given an assurance that he advocates only peaceful picketing and that he will stop it if force is used. Such assurances, however, are of little value, and experience shows that picketing of liquor shops but in that case the Government was in a somewhat difficult position, as strong action on their part might have been construed as hostility to the cause of genuine temperance reform. This difficulty does not arise in the case of picketing cloth shops, and the ~~xxx~~ Government of India hope that vigorous action will be take to oppose any campaign of unlawful picketing and to make it clear that disorder arising from this campaign will not be tolerated.

4. So far as this Presidency is concerned, the boycott movement is not perhaps likely to be so marked as in other provinces, and this Government have not hitherto received information of any vigorous campaign for the picketing of foreign piecegoods, shops. But a Press Communique is being issued announcing that District Magistrates have been instructed to take any legal steps necessary to stop illegal picketing and to protect merchants traders and their customers in the pursuit of their lawful avocations; and I am to suggest that in localities where picketing is likely to take place action should be taken on the following lines:-

(a) A vigorous campaign of propaganda should be started to make people realise that, as India produces less cloth than her population requires, the boycott of foreign cloth must inevitably lead to an immediate and serious rise in prices and may lead to disorder and looting, and that these consequences will be the result not of any action on the part of Government, but of Mr. ~~G a~~ Mr. Gandhi's campaign;

(b) An assurance of support and protection should be given to importers and dealers who are opposed to the boycott movement and every effort should be made to give effect to the assurance;

(c) In localities where picketing IS THREATENED the police force should be temporarily strengthened and should actively intervene in the bazaars to prevent intimidation. The Inspector-General of Police is being asked to issue clear instructions to the police in this matter with the assurance that their action will receive the support of Government in cases where it is impugned without justification;

(d) Above all, prompt and vigorous prosecutions should be initiated for any form of criminal intimidation, assault, criminal force or wrongful restraint, Any hesitation in prosecuting offenders will encourage contempt for authority and the spirit of lawlessness which the non-co-operation movement has created.

Yours sincerely,

To the District Magistrates and the Commissioner of Police.

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S E C R E T. Government of Madras

'Adyar House'

Adyar,

20th August 1921.

My dear Marjoribanks,

I have had a long talk this morning with Armitage who has given me his impressions of the state of affairs in Guntur, Kistna and Godavari. His conclusion which will probably be stated in an official report is that the general condition is so inflamed that there would be nothing surprising in the occurrence of violence after the utterance of any seditious speech; if therefore the doctrine of "violence in the near future" be of universal application, he would consider the prosecution of any seditious warranted. He is decidedly of opinion that such agitators agitators are not dealt with frequently enough or promptly enough and deprecates the view that they must escape scot-free if shorthand reports of their utterances are not available. However desirable this form of evidence may be for a formal prosecution under section 124-A or 153-A of the Indian Penal Code, Armitage thinks that it is not essential for proceedings under section 108 of the Criminal Procedure Code provided that oral evidence of the general report and of the particular phrases is available. I incline to the same view and think that perhaps the time has come to urge District Magistrates to adopt a more vigorous policy in the matter of security proceedings not only in the Andhra country but also elsewhere, e.g., Cuddapah where the seditious agitator is trying to spread his net. In such cases the maxim "Prevention is better than cure" applies.

Yours sincerely,

(Sd.)Davidson

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STRICTLY CONFIDENTIAL.

Circular Memorandum No.A-59.

Boycott of Foreign Cloth - Duties of the Police.

4. The following instructions are issued as to the manner in which the picketing should be dealt with by the police:-

(i) The police shall be strengthened by bringing in such additional men as the District Superintendent of Police considers necessary.

(ii) Patrols of not less than two constables shall patrol the streets in which pickets are placed.

(iii) The patrols shall take action when applied to for assistance by shopkeepers or purchasers of cloth, or when any disorder or obstruction by the gathering of crowds occurs in the streets. Otherwise they shall not interfere.

(iv) When asked for assistance it shall be the duty of the patrol to see that the persons requiring protection is not obstructed by force or intimidation from buying or selling foreign cloth.

(v) The patrol shall stop any disorder (Sec 3(12) Act III of 1889) or affray (Sec.160 I.P.C.) and shall disperse any crowd.

(VI) Persons who commit an offence under sec.3 (12) Act III of 1889 or Sec 160 I.P.C. shall not be arrested, if their names and addresses are known, unless order cannot be restored except by their arrest. Persons committing an offence under Sec 341 I.P.C. shall be arrested and taken to the police station.

(vii) A police party of such strength and with such arms as the District Superintendent of Police considers necessary shall be kept in the vicinity ready to come to the assistance of a patrol in case of necessity.

(viii) Persons committing any of the offences enumerated in para 3 of this memorandum shall be prosecuted promptly and without any exception., provided that complainants will give complaints in non-congnizable cases.

5. The Government have ordered the Inspector General to inform Officers that the Government will support the action taken by them in this matter provided that their action can be justified--

F. ARMITAGE (Acting Inspector Genl.of Police

STRICTLY CONFIDENTIAL.

From the Inspector-General of Police, Madras.

Dated 27th August 1921.

As desired by the Hon'ble member in charge of the Judicial, I beg to forward a note on the large amount of immunity now enjoyed by agitators who stir up ill-feeling against Government.

I have just returned from a brief visit to the East Coast Districts, confined to some of the larger towns, and though I had not much scope for enquiry, I formed the opinion, which reports from the Districts confirm, that the demand for Swaraj has been very widely and firmly implanted in the districts of Guntur, Kistna and Godavari, that the authority of Government has seriously deteriorated, and that the conditions are such that resistance to the authority of Government could be easily established on a large scale.

Seditious propaganda is going on in the course of which speakers make speeches stirring up hatred against Government but yet are often not muzzled and seldom or never promptly muzzled. Cases in point which I have noticed are those of L. Satyanarayana who made a scandalous speech in Bezwada and Janatha Sastri who spoke violently in Godavari (Vide the Special Branch Weekly Report for 30th July 1921 of the District Superintendent of Police sent to Government on 5th August, Special Branch Note No.1114/C/S.F.90) The Special Branch informs me that extracts from the speeches of the former (vide Special Branch notes Nos. 1136/C, dated 9th August 1921 and 1143/C, dated 10th August 1921) and a report on the latter have gone to Government.

Satyanarayana's speech was taken down in shorthand but in the case of Jagannatha sastri there was no such report. This raises a very serious difficulty. The public Prosecutor, Rajahmundry informed the District Superintendent of Police that he could not be proceeded against unless there was a shorthand report

of his speech. This impression seems to prevail. It is probably generally correct as regards a prosecution under Section 124-A Indian Penal Code, but I cannot help thinking that in proceedings under Section 108 Criminal Procedure Code the proof of certain seditious passages in the speech might suffice. In this particular instance I have instructed the District Superintendent of Police to submit a statement of facts and evidence to the Public Prosecutor, Rajahmundry and get his considered opinion.

If this impression is to prevail it means complete immunity to Urdu speaking agitators sent here from Northern India. Such a man is one Abdus Samad of the United Provinces (vide paragraph 425 current Abstracts). This man is mentioned in Mr. Abdul Karim Farukhi's weekly Report of 30 th July 1921 (Special Branch Note No.1106/C/S.F.296-B, dated 4th August 1921) as having caused a good deal of harm in Vaniaymbadi. He moves on to other places. No action is taken against him and the absence of any Urdu short-hand reporters is made a non-possumus for proceedings against him. Another Urdu speaking man is Haji Fakir Abdul Ahed Nakhshbundi vide paragraph 463 current Abstracts.

The instructions issued by Government hitherto such as d.o. 231-S, dated 14th September 1920 and d.o. 1014/0-1 Public, dated 16th July 1921 have advocated prosecutions for direct incitements to disorder and for speeches "calculated to arouse such feelings of disaffection, enmity or hatred as are likely to lead to violence not as an ultimate or remote consequence but as a possible result in the near future".

These instructions seem to have given the impression that proceedings should not be taken against ordinary agitators who in general stir up hatred against Government and even go to the length of saying that the British Government should be driven out.

I think, however, that conditions in the Guntur, Kistna and Godavari Districts are such that it may be fairly said that such incitements against Government are likely to cause disorder in the near future. In the case of Guntur, forest officers have been ~~xxxxx~~ boycotted and assaulted and action taken in that connection

resulted in such a threatening attitude on the part of the populace of Guntur that the District Superintendent of Police has to send for reinforcements of Reserve Police from other districts and even now at his request I have to keep some additional Reserve Police in the District. If Konda Venkatappayya and the other three local leaders had been convicted by the District Magistrate most serious situation would probably have arisen. Some Swaraj Courts have been established in Guntur. In Kistna District the other day (I think at Gunnavaram) some prisoners refused to walk and no bandyman could be got to take them. The Swaraj Flag is said to have been hoisted at Bezwada on the 1st August, vide Mr. Abdul Karim's Weekly Report of 13th August 1921. Toddy sales in the three districts have generally been failures ad police have to be deputed to keep the peace at them. In the Godavari District the Congress Committee have resolved to ask the Andhra Provincial Congress Committee to introduce civil disobedience (vide idem.)

The idea of the boycott of Government servants is abroad and has been put into practice on some occasions, in some places.

The contempt for authority is, therefore, I would submit, sufficiently pronounced to justify proceedings being taken at once against any speakers who render themselves liable under section 108 Criminal Procedure Code.

A campaign has now been opened in Cuddapah District (vide the Special Branch Weekly Report of the District Superintendent of Police for 6th August 1921, forwarded to Government by the Special Branch on 16th August 1921. Vide Note No.1170/C/S.F.390 and 1211/C, dated 23rd August 1921) by two youths of about 18 named Pattabhi Ramamurthi (of Kamalapuram, Kaddapah District) and Pilutla Hanumanta Rao of Guntur. They are reported to be saying the usual things, including the statement that the English are ruling by murder, brute force, violence and injustice. Swaraj is the only remedy and Indians must make governing impossible by by refusing help to Government. They also said that village Munsiffs should be persuaded to resign. 13 village Munsiffs had

had resigned up to the date of the report mainly on account of the Deputy Collector's action in suspending some of them who had interfered with the toddy sales at Rayachoti. A toddy shop sold at Lakkireddipalli was burnt down. Forests grievances are being taken up and it was reported that wholesale removal without permits was going on at Gadikota and the forest guards had been assaulted.

It would seem desirable to check this campaign by every means available before Cuddapah becomes a second Guntur.

I, therefore, beg to submit for the consideration of Government whether a policy of the maximum of action possible against speakers, who render themselves liable to the laws, cannot be adopted at least in the Guntur, Kistna, Godavari and Cudapah districts, at the discretion of the District Magistrates.

I would also suggest that attention be drawn to the practicability of proving seditious passages in speeches for the purpose of Section 108 Criminal Procedure Code by evidence other than a shorthand report of the speech and to the necessity of taking prompt steps against agitators from other provinces whenever an opportunity offers.

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Ø **STRICTLY CONFIDENTIAL.**

Public Department.

CIRCULAR no.310 S., Public, dated 3rd September 1921.

Dear Sir,

(Non-co-operation - Seditious speeches - Action under section 108, Criminal Procedure Code).

In paragraphs 4 and 5 of the Circular No.1014/0-1, dated 16th July, the instructions of the Government of India in the matter of prosecuting the makers of seditious speeches were set forth with the remark that the limitation of the use of the seditious speeches were set forth with the remark that the limitation of the use of the sedition sections of the Code to cases in which the speeches were calculated to excite such feelings as are likely to lead to violence, not as a remote consequence but as a probable result in the near future, need not, in the opinion of this Government, preclude recommendations from District Magistrates to enforce sections 124-A and 153-A of the Indian Penal Code in cases where for special reasons such action might be deemed expedient.

2. Since the issue of that circular no recommendations have been received from District Magistrates on the lines contemplated abie above but the torrent of seditious or semi-seditious speeches continues unabated. The Political situation is disquieting in many parts of the Presidency, and more particularly in the districts of Krishna, Godavari, Guntur and Cuddapah, where respect for constituted authority has been seriously impaired; while in Malabar an organised outbreak of violence has occurred which though conceivably not a probable consequence in the near future, was certainly the logical outcome of the insidious propaganda of the non-co-operation and Khilafat movements.

3. In one respect perhaps the Malabar rebellion may serve a useful purpose. It may open the eyes of the saner elements in the population to the disasters into which those movements are leading the country. One of the most dangerous elements in the

activities of those agitators often mere youths, who wander fm from the district to district making and repeating seditious speeches and stirring up racial animosity.

4. Some of these agitators could, and in the opinion of Government, should be dealt with by formal prosecutions under the Indian Penal Code; but for this purpose it is desirable, if not essential that shorthand reports of their utterances should be available so as to enable the Government to obtain the opinion of their legal advisers before sanctioning a prosecution. This procedure inevitably involves a delay which may detract from the value of any prosecution that may ultimately be launched.

5. It is clearly expedient that the class of agitators referred to above should be dealt with promptly, and if possible, before they have had time to acquire any great influence or a reputation which would render their prosecution a matter of any great political interest. This object can be obtained by the enforcement of the security sections of the Criminal Procedure Code, particularly section 108. For the purposes of that section oral evidence of the general purport of speeches and of any particularly objectionable phrases ~~of that section~~ in them should be sufficient, and there is no reason why such proceedings should not be pushed through ~~pui~~ quickly.

6. It is the duty of the Police to lay information in cases of this nature, and I am to request you to discuss the general issue at once with your District Superintendent of Police and arrange in consultation with him to take action on the lines suggested wherever this is plainly expedient and material is available.

Yours sincerely,

N.E. MARJORIBANKS,

Acting Chief Secretary.

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PUBLICITY BUREAU.

Victoria Buildings,

Egmore, M a d r a s.

19th October 1921.

R.O.C.No.2237-C

Dear Marjoribanks,

I have previously suggested to you for consideration the question whether the time is not getting ripe for the formation of Aman Sabhas in this Presidency. Would you like me to make enquiries from other Publicity Officers with regard to their initiation, constitution and working? I have just received a letter containing the following paragraph:-

"There are a number of young men who have taken diplomas in Economics. They have received education and instruction in the most useful and practical sciences and arts of life, . Most of them are without employment, but they are energetic and enthusiastic. They may be appointed as lecturers and started on decent salaries with prospects of further promotions. They may be asked to go about the twons and villages in each District in the Presidency, deliver lectures and give practical instructions to the masses on different topics such as 'Loyalty', Agriculture', 'Why revolution should be avoided', 'The advantages that may be derived from the use of Charka' &c. This will not only be an impetus to these young men to work vigorously, but they will be doing more useful work to the Public. Thus both the Public and the lecturers may be benefited."

indicating there are young men who would be extremely pleased to be appointed paid lecturers by such an organisation. I think we have to recognise that the strength of the non-co-operation movement rests largely in its paid agitators who are probably eating up the celebrated crore.

Yours sincerely

(Sd.) GILBERT SLATER.

N.E. Marjoribanks Esquire, C.I.E.,I.C.S.,
Chief Secretary to the Government of Madras,
Fort St. George, M a d r a s .

Extract from the D.O. from Dr. Gilbert Slater, M.L.C., to the Chief Secretary to the Government of Madras, No.R.O.C.2202-C, dated the 16th October 1921.

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I have also had this morning a visit from Mr. D. Appa Rao, who reports to me on the contents of Telugu Newspapers. He says that the non-co-operation movement is continuing to make head-way in Northern Circars, and is taking a stronger hold on women and the uneducated classes and that practically nothing is done to counteract it. He has anticipated that the Malabar affair would be a very considerable damper but says it does not seem to have had any perceptible effect.

I am inclined to regard Mr. Appa Rao as tending to be unduly pessimistic. Nevertheless I cannot help thinking that the time is ripe for action in Madras similar to that in the United Provinces in the direction of the formation, with official encouragement, of a great number of loyal associations. It appears to me that the people who ought to take this up are the Ministers. It must be regarded as being very doubtful whether the non-co-operators at the next election of the Legislative Council will not determine to run candidates and support them very vigorously. Hence the Ministers are in danger of losing their jobs unless they bestir themselves to combat the non-co-operation party. Do you think it would be worth while for me to put this matter before Patro or some other Minister, or is there anything else which you think I might usefully do with regard to it?

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STRICTLY CONFIDENTIAL.

Public Department.

No.478-S.

From

N.E. MARJORIBANKS, Esq., C.I.E., I.C.S.,
Acting Chief Secretary to the Government of Madras,

To

Dated the 15th November 1921.

Dear Sir,

Several months ago the Government considered and rejected the idea of forming official anti-non-co-operation leagues in this Presidency on the lines of the anti-revolutionary leagues which are now working in the United Provinces. They have now again considered the matter and have also considered a suggestion that Publicity Board funds might be used to employ paid lecturers who should be sent out to combat the movement in the districts.

Neither of these proposals commends itself to the Government. Their policy has always been to leave the initiative in this matter to private effort; District Officers have been instructed in G.O. No.265, dated the 2nd May 1921, to assist such effort by their presence and voices as far as possible, and though the Government think that the Publicity Board might do much to help in the way of providing the moderate party with the materials for combating non-co-operation lies and fallacies, it is not one of the functions of the Publicity Board to carry on a definitely pro-~~[illegible]~~ Government campaign.

The Ministers and their party have already done something in the direction of combating the extremist movement, and in certain Districts official support of anti-non-co-operation societies has produced good results. At the same time I am to say that the Government feel that District Officers generally might do more than they have done in the past to carry out the ~~instru-~~

instructions conveyed in G.O. No.265, and to rally moderate opinion in opposition to the non-co-operation movement.

The publicity Officer will no doubt be ready to supply them and all non-official anti-non-co-operation societies with any information he may possess that might be of use to them, and they on their side should lose no opportunity of bringing to his notice any instances which might afford material suitable for publication as anti-non-co-operation propaganda.

The Government trust that all District Officers will give this important matter their closest attention and afford all the assistance in their power to those -- and there must be many of them -- who are willing and anxious to support the Government and who in their turn would welcome the knowledge that they possessed the active sympathy and support of the official head of the District.

Yours sincerely,

ACTING CHIEF SECRETARY.

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GOVERNMENT OF INDIA

HOME DEPARTMENT

(Political)

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D.O. No.D-3836

Delhi, the 12th January 1922.

My Dear Graham,

I am desired to invite attention to para 14 of Mr. Craik's demi-official letter of the 18th June 1921 in which the question of counter-propaganda and of taking vigorous and active steps to defend and justify the attitude of Government is discu-ed. The Government of India are aware that in some of the provinces at least a good deal has been done on these lines, but they are greatly impressed by the need at this juncture for organising and enlisting in support of Government a body of moderate and sensible opinion. Every effort is being made by the non-co-operators to misrepresent the action taken by Government against the volunteer associations and to create the belief that Government have embarked on a policy which aims at the repression of legitimate political activities. The only effective means of combating this propaganda, which has already, it is clear, seriously affecte moderate opinion, is by giving the widest possible publicity to the events and circumstances which compelled the Government totak steps for the enforcement of law and order, and the Government o India trust that no pains will be spared to secure this result. As to the methods which should be adopted for the purpose, the Government of India have little to add to the suggestions conta in Mr. Craik's letter above referred to. They attach, however, great importance to public pronouncements from time to time, b heads of provinces; they are inclined to think that District cers would be in a better position to bring home to members o the Public the gravity of the developments with which the admin tration is faced if they were placed in possession of full inf tion as to the happenings in other parts of the Province; and would suggest that publicity organisations should endeavour t supply papers of a more friendly kind with full materials and information regarding the sinister activites of the Non-co-c

M.S.

History of the non-cooperation movement in the Madras Presidency 197

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EXTRACTS FROM SECRET FILES ON TURKISH PEACE TERMS AND MOHAMMADAN AGITATION.

Secret Files No.337 A dated 7-4-1922 - Effect on Muslim opinion - Government of India's ~~xxxx~~ telegram to Secretary of State - Alleges misrepresentation of Madras Government's views - Mr. Montagu's resignation etc. - Serial No.135).

:::::

NOTE ON THE SUBJECT

On 28th Febraury 1922, the Government of India sent a telegram to London, regarding India's attitude towards the treaty of Sevres. It created an uproar in London circle, leading to the dismissal of Mr. Montagu the then Secretary of State for India by Mr. Lloyd George the Prime-Minister of England, on the ground that the Secretary of State for India had caused publication of the telegram without consulting the cabinet or any colleague when the subject matter of the Viceroy's telegram, dealt with "questions whose importance went far beyond the frontiers of India or the responsibilities of Mr. Montagu's office. Before sending the telegram, the Government of India sent a draft copy of the telegram to all Provincial Governments, seeking their views and concurrence on the proposed telegram. The Madras Government gave a contious and qualified approval to it. But in the final telegram, sent by the Government of India it was stated therein "After consulting and receiving the general concurrence of the Government of Madras etc." The Government of Madras considered it as a ~~misrepre-~~ misinterpretation of their reply to the Government of India's draft telegram. The following papers deal with the subject stated above.

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From Government of India - Foreign - No.235-S.
dated Febraury 18th.

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Government of India propose to address His Majesty's Government regarding the Turkish peace terms on the following lines:

BEGINS: On the eve of Greco Turkish conference we feel it our imperative duty to lay owe move before His Majesty's Government intensity of feeling in India regarding the necessity of ~~dra~~ drastic revision of the treaty of Sevres. We are fully alive to complexity of problem and conflict of interests that have to be considered. But India's services and sacrifices in great war ~~mx~~ move especially in Mesopotamia and Palestine where success was largely achieved by her army with its complement of Moslem soldiers, her Moslem population, intense stirring of religious feeling over question among it, large degree of support Indian Moslem cause is receiving from India at large, all these entitle her to claim utmost consideration for her aspirations and their fulfilment in so far as they are just and reasonable.

We are aware certain of India's expectations cannot be satisfied, but we urge upon His Majesty's Government three points which we regard as essential --

Evacuation of contantinople, Sultan's suzerainty over the Holy Places, Restoration of Ottoman Thrace including sacred city Adrianople and restoration of Smyrna without the proposed stepulation for Christian Governor.

We earnestly trust that His Majesty's Govern will give ~~kxk~~ these aspirations all possible weight, for their fulfilment is of vital importance to peace and tranquility in India.

We think it our duty to warn you that failure to ally Moslem feeling over the revision of the treaty will have very dangerous results in India and intensity ~~fx~~ bitterness and sullenresentment which has already led and we fear will again lead to serious disorder and bloodshed. Great Britain as the Greatest power in Mahommedan world cannot be less sympathetic towards Moslems

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feeling or less ready to take active steps on behalf of Islam than the other allies. She owes much of her influence in the East to general recognition that she has championed Islam among the great powers and it is essential that she should not only retain this position, but also that there should be no room for doubt motive behind mind of the public in India and elsewhere in the East".

Please telegraph urgently whether you concur generally. It would strengthen Government of India's hands of they could add that the above has the general concurrence of local Governments, Ministers included of ~~Fionlies~~ and Frontier Province.

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REPLY OF THE GOVERNMENT OF MADRAS.

~~Whole~~ Local Government generally ~~appears~~ approve of revision of treaty of Sevres in order to create peaceful feeling amongst India ~~Indian~~ Mohammadan Population in India, but cannot commit themselves to agreement with all points set forth in telegram without much more information.

R.T.G(raham)
20.2.1922.

Telegram as above.122.S

@%@%@%@%

C.S.
I shall be Obliged of this telegram could be carefully compared with the text of the telegram received by His Excellency and the reply sent. My impression is that it ~~seems~~ gives a misleading account of the views of the Government of Madras.

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Please give full account I should like all members of the cabinet to compose the preface to India's telegram with our cautious and gratified approval of rivision of the Treaty. I regard the preface as capably misleading and incline to think as should point this out.

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The telegram is put up below. I did not put it up before, being under the impression that all members of the cabinet were fully aware of the misleading nature of the Government's Telegram.

R.T.G(raham).

C.S.

The Times of India, New India and Mr. Montagu all agree in interpreting our general approval of revision of the Servres. Treaty as equivalent to concurrence in India's specific suggestions, against which we expressly safeguarded ourselves.

POSTS AND TELEGRAPHS.

Press Telegram.

INA SI (18.45) Delhi 7 No.17 (D).

After consulting and receiving the general concurrence of the Governments of Madras, Bombay, Bengal, United Provinces, Punjab and Bihar and Orissa, Central Provinces and Assam, including their ministers and the frontier administrations, the Govt. of India despatched the following telegram regarding the revision of the treaty of Sevres to His Majesty's Secretary of State for India, on the 28th Febraury last.

On the eve of the Greco-Turkish conference we feel it our imperative duty to lay once more before His Majesty's Government the intensity of the feeling in India in regarding the necessity for a revision of the treaty of Sevres, We are fully alive to the complexity of the problem and the conflict of the interests that have to be considered, but Indians services in the great war and more especially Masopotamia and Palestine where success was alrgely achieved by her army with its complement of Moslem soldiers, the vastness of her Moslem population, the intense stirring of religious feeling over the Turkish question among it, the large degree of support, the Indian Moslem cause is receiving from India at large. All these entitle her to claim the utmost consideration of her aspirations and their fulfilment in so far as they are just equitable and reasonable. We are conscious that it may be impossible to satisfy India's expectations in their entirety, but we urge upon His Majesty's Govt. three points, which due provision having been made for safeguarding the neutrality of the Straits and the security of the Non-Turkish populations

We urge as of the first importance:- First evacuation of Constantinople, Second, Sultan's Suzerainty over the holy places, third, restoration of Ottoman Thrace, including the sacred Moslem city of Adrianople and the unreserved restoration of Smyrna. We earnestly trust that His Majesty's Government will give these aspirations in all possible weight for their fulfilment as is of the g greatest importance to India.

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OPINION OF THE MINISTERS ETC. ON THE TELEGRAM.

C.1's note and copies of the telegrams have been circulated to members of the cabinet and the following are their views.

C.2. I think that copies of the telegrams should go at once to the Secretary of state. I suppose we cannot correspond with him direct as a Government but perhaps H.E. the Governor would allow a telegram to go in his name to the effect that his cabinet desire to have the text of their telegram brought to his notice.

In the case of India's telegram it would be unnecessary of course to repeat the words between "begins" and "ends".

C.G.T. 14.3.22.

C.3.

I have no mind to complicate an already complicated matter. I see no need to make any definite contradiction. So far the telegram of the Government of India is quite all right and expresses Muslim views accurately.

M.H. 14.3.22.

C.4.

I do not think any contradiction necessary or prudent. I confess that I do not know much about the Khilafat, but I consider the proposals of the Government of India quite unexceptionable. I had a talk with my Hon. Colleague, Mr. Habib-ul-lah, and he confirms me in my impression that these are the least which are necessary to allay Muslim feeling in this country.

K.S. 14.3.22.

M.2.

There is no doubt the telegram is somewhat misleading. Possibly by "general concurrence" the Govt. of India meant no more than that we "generally approved" of a revision of the treaty of Sevres. Whatever it is, I do not think it is right for us to embarrass the Government of India more than ~~a~~ they are at present. And any communication from us pointing out the misleading nature of the telegram will add to the difficulties of India.

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HISTORY OF NON-CO-OPERATION MOVEMENT IN THE MADRAS PRESIDENCY.

(Secret File No.347 dated 15-6-1922 - Non-co-operation - F General Policy - Use of Section 144 and Section 188, Indian Penal Code - Y Rigorous or Simple imprisonment - Correct application of - Female agitators - Treatment of - Circular 252/S etc. Serial No. 137.)

STRICTLY CONFIDENTIAL.

Demi-official from P.Macqueen, Esq., I.C.S., Acting Collector of Trichinopoly, to G.R.F.Tottenham Esq., I.C.S., Under Secretary to Government, Judicial Department, dated 4th April 1922.

I submit herewith the records in connexion with the cases under section 188, Indian Penal Code, in which I acquitted certain persons accused of picketting, also the Sub-Magistrate's explanation for having framed a charge against them and also the report called for by Government.

ENCLOSURE.

Picketing.

To understand the history of picketing in Trichinopoly it is necessary to consider other forms of political activity in the town. Picketing is merely a symptom of the disease. But it possibly differs from other forms of agitation in the fact that it attracts a good deal of unreasoning sympathy from people who are quiet loyal to the Government. People who have nothing to do with hartals or the tampering with students may wishthe objects of the picketing campaign good luck.

I will give a brief sketch of the history of political agitation in the twon from the beginning of 1921. Accurate detailed records are not, of course, available and we have to rely largely on the memories of officers who were in the town at the time. Bothe the District Superintendent of Police and myself are new to the district and have not had the opportunity of observing the doings of the non-co-operators throughout the whole period. There is very little of interest to record about any part of the district except Trichinopoly town with the exception perhaps of Karur where there was a serious disturbance in August 1921.

Early in 1921 the municipal elections took place and the non-co-operators, in particular the Muhammadans, tried to boycott them. One Muhammadan candidate stood for election and was so prosecuted that it became necessary to station the reserve police near his house. The situation seems to have been saved by a sudden change in the non-co-operation programme. In January of the Year the Duke of Connaught came to Madras and this was the signal for a hartal in Trichinopoly town. It was effected by means of threats of looting and personal violence. In April the anniversary of Satyagraha was made the excuse for further hartals. In May and June attempts were made with qualified success to tamper with the students of the National College. In July matters seemed to be reaching a climax ~~whne~~ when the picketing of toddy sales and of toddy shops began. The most Dangerous situation that has so far arisen was the result of the arrest of a man accused of violent picketing in a toddy shop. The mob besieged the Dark's bridge Police Station and the sub-jail and it was only by adopting a conciliatory attitude that a serious fracas was averted. This was followed not long after by a mass conference between the non-co-operation leader and the local authorities which does not seem to have improved matters for the state of the town was so threatening that it was found desirable to march practises of troops through it, which measures ~~seemed~~ (seems) to put a stop to rowdysim. Meetings and speeches were matters of almost daily occurrence and the trouble spread to Karur where the non-co-operators tried to compel the theatre proprietor to give them a benefit performance and on his refusal beseiged the Police in the theatre building. The Deputy Superintendent was compelled to fire with the result that two men were killed and one injured.

In August Gandhi came to Trichinopoly. Later, Muharram and Dipavali festivals were the occasion for inciting rowdies to violence. We first hear of an attempt to picket foreign cloth. The ~~Government~~' Governor's visit was the signal for organised picketing and 'volunteers' preceded the processions dressed black and carrying black flags.

When the arrack sales were held in Febraury 1922 there was a recrudescence of picketting. But the back of the resistance was broken by an order prohibiting picketing under section 144, Criminal Procedure Code, followed by the jailing of about 30 people for disobedience of that order. Rajan and Sastri, two leaders, were sent to jail and the picketters lost heart. The picketers being afraid to picket themselves set on small boys to do it. Fines and the threat of whipping stopped this and the movement seems to have collapsed for the present Speech-making is however still popular and we are threatened with another hartal at Easter.

The main political organisation here is the District Congress Committee which had three branches in the town with 154 Congress Sabhas throughout the District with a total membership of 8,160. The Tamil Nadu Provincial Congress has brought its headquarters here. It was after its arrival that the 'volunteers' were started. They seem to be mostly town roughs. The non-co-operator's claim to have enrolled 350 volunteers by the end of 1921 but the accuracy of the figure is doubtful. The students refused to join them on the ground that they were not respectable. The Young Men's Moslem League seems to be the rallying ground for the volunteers and rowdies although the secretary disclaims all connexion with volunteers and picketing . Last year the Provincial Congress collected in the district Rs.2,029 also Rs.15,000 for the Tilak Swaraj Fund. The District committee spent about Rs.5,108 last year on establishment, picketing, etc. Subscription have lately falled off and the non-co-operation leaders are hard put to it for money. It is necessary to advertise their movement. by speeches and processions and these have received a set back owing to number of agitators sent to jail. But there is no guarantee against further agitation as these men gradually return from jail.

Non-co-operation may be briefly summarised as below:-

(1) Boycott of elections:- The boycott of ~~xxx~~ the municipal elections early in 1921 hardly seems to accord with the general non-co-operation programme which was rather to capture the councils than to boycott them. It seems to have been chiefly a Muhametan affair.

(2) Boycott of liquor shops: This has been conducted in such a way that, though conducive to lawlessness there have been only five cases in which people have filed formal complaints and of these only two led to convictions while one is pending trial

(3) Hartals: These began in January 1921 at the time of the Duke of Connaught's visit and became so frequent as to as to deprive them of any value in the eyes of intelligent people as a means ofpublic expression. But they were none the less conducive to disorder and an atmosphere of lawlessness.

(4) Speeches and processions:- Section 144, Criminal Procedure Code, has only twide been used to prohibit speeches once in Srirangam in December 1921 and recently in March 1922 when C. Rajagopalachari visited Trichinopoly. During the Governor's visit organised attempt was made to interfere with the arrangements. Processions and speeches are still being made and foreign cloth burnt in small quantities. The HINDU publishes almost daily carefully garbled accounts of happenings of Trichinopoly.

The result of all this agitation is that there is a contempt for authority in the minds of a good many people and in the minds of a good many more a belief that the authorities are afraid of the agitators. The dislocation of the normal official work of the district is obvious. The reserve police have been mobilized from July 1921 till Febraury 1922 to the great detriment of their ordinary duties.

As remarked before practically no cases of crime arising from these methods of agitation have come before the courts. The method recently applied with some success has been the promulgation of an order prohibiting picketing under Section 144 Criminal Procedure Code, and in two cases an order under the same section prohibiting the making of speeches. I have grage doubts as to whether these orders were justified in the strict interpellations interpretations of the law. To take the case of picketing.

It is essential that the case should be one of urgency. I can understand an urgent order being passed to prevent an expected obstruction or annoyance to bidders at a sale. That is a special occurrence. But the obstruction or annoyance here complained of is, if any, a continuing offence, it is practised every day and if it involve a breach of the ordinary law those who practise it can be arrested daily and tried under the ordinary law. No case for urgency seems to be mad eout and it would seem that on this on this ground alone the use of Section 144 cannot be justified.

Again the facts of the present situation appear to me to put the section out of court Picketing was recently carried on almost daily (in spite of the order) but there was no formal complaint of any obstruction, annoyance or injury. It is not clear therefore that there exists the state of affirs which it is the object of the section to prevent.

In theory peaceful picketting is merely persuasion and the avowed policy of the non-co-operators is to persuade without violence. As soon as the need for an order under section 144 becomes a question of evidence in a court the executive authorities will be hard put to it to prove the necessity for such an order. They would be compelled to admit that picketing was actually carried on for a considerable time during which they would be unable to prove the occurrence of that injury, obstruction or annoyance which it is the object of the section to prevent. The position of the executive authorities would be worse than before.

The HINDU has already mooted the question of fighting these orders in the courts. The past history of non-co-operation has prepared us to expect a change of front at any time.

A similar line of argument applied to the prohibition of public speeches. Section 144 will not apply to cases where the possible resulting disturbances will take place only at some remote time. We have to face the position that the ordinary law dows does not seem to be entirely adequate to deal with the situation. If we stand by while mob orators are inflaming the minds of the people with subtle suggestion which just keeps them out of range of the law we create a state of mind in the masses which may at any time break out in violent crime. On the other hand to effectually prevent the dissemination of seditious ideas we must prohibit all speaking or overt acts of propaganda. Section 144 has lately been used for this purpose but I have given reasons for supposing that without twisting the law it will not apply. Doubtless a rigorous use of this section would be enough to stamp out sedition in Trichinopoly town and deprive the non-co-operators of the advertisement that they require to keep them in funds. But I should hesitate to approve of a policy of 'lawlessness'. As I have only just returned from leave to England I am out of touch with the matter of picketing and other political activities and the policy which Government wish district officers to follow. I request definite guidance in the matter.

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OFFICE OF THE COLLECTOR OF TRICHINOPOLY

POLITICAL--Trichinopoly.

Since my last report the latest activity of the extremists is an attempt to establish courts to try people for the offence of drinking and to settle other disputes which ordinarily come before the criminal courts. At present their activities are confined chiefly to Mohometans. They impose fine and ducking as penalties. I attach much importance to killing this movement in its early stages. The Police have already registered a case against certain

certain persons and some evidence has been procured, though it is not certain that there will be enough to charge. But the fact of investigation has had a wholesome effect and there is reason to believe that the movement will collapse. If the case is charged I am contemplating trying it myself as I consider it desirable that people should understand the gravity which the District Magistrate attaches to the matter. Being new to the district it is important to give, if possible, the impression of firmness.

On the morning of 6th April the non-co-operators issued their programme for a "Swaraj" week to last from 6th to 14th. Each day there was to be a morning procession round the rock follow followed about 10 a.m. by the sale of Khaddar and in the evening Public speeches or a music party. The organisation is evidently not very good, for the notices ø were only distributed on the morning ~~proces~~ of the first day of the programme. There is nothing very objectionable in the programme, though the Congress leaflet which accompanies it contains a~~/~~ reference to the injustice done to the Khilafat and the lives lost in the Punjab. An interesting fact is that ~~the~~ three young vakils are taking an active part. This seems to pretend the collapse of non-co-operation as a form of agitation.

Last night (6th) I accompanied the Twon Police Inspector into the town. There was no excitement and nothing abnormal. The meeting summoned for 6-30 p.m., started about half an hour late in a public place and attracted no general attention whatever. About 50 people were standing listening to a man gesticulating wildly, much as a Sunday crowd at home listens to a Hyde Park Orator. I am told that the Trichinopoly crowd are something of connoisseurs in the matter of oratory. They will go in their thousands to hear a really good speaker like Dr. Rajan (now in jail) but take little notice of second rate people.

In my opinion the objects of our attack should be twofold. First to prevent the improper collection of funds ~~andof funds~~ and secondly to prevent the hartal on the 14th. It is clearly

impossible to prevent these by force. I do not think any order under section 144, Criminal Procedure Code, could, by the exercise of whatever legal gymnastics, be made to meet the case. But I attach considerable importance to the presentation to the people of the other point of view. I have therefore asked the twon Ins Town Inspector to draft me a notice, a copy of which I enclose which is being quietly distributed to-day. The 'Peace Lovers burea if any questions are asked, is one Rajulu Nayudu, who has on previous occasions assisted with similar work.

With regard to the hartal, it is useless to make a display of force, for that in itself would frighten the bazaarmen and give them an idea that looting was anticipated. At the same time I consider it important that, without being alarmed, they should know that the authorities are on the watch to prevent any illegal pressure being brought to bear on them. I have therefore drafted a notice which I propose to issue under my own signature as District Magistrate, in English and Tamil, to the effect that no impøroper pressure on the merchants will be allowed and that I am prepared to give them all support that may be necessary. I shall keep this notice in reserve and only issue ~~it~~ it if the situation demands. There are signs that the hartal will be a failure.

Finally I would invite attention to a paragraph which appeared in the HINDU on the 6th April regarding the Tamil Provincial Congress Committee. This lays down six items of policy.

(1) Establishment of panchayat courts and schools.

(2) Khaddar

(3) A gazette.

(4) Boycotting taxes goods to cause a budget deficit

(5) A 'working committee' to 'administer the province

(6) Raising a loan.

No (1) invblves the issue of rules for running the courts. I presume these when formed should be promptly seized andxx destroyed. Also that the same should be done with the 'Gazettes'. The organisation is clearly seditious and subversive.

I request orders also on the points raised in my last report regarding orders under section 144, Criminal Procedure Code.

P. Macqueen - 7-3-22.

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The administration of the law in Trichinopoly ~~X~~ seems tohave been very mild on the whole and section 144 was not called into use until quite recently when there was a distinct danger ~~nd xi~~ of disturbance. The District Magistrate's attention may be drawn to circular No.537-S.

A sudden reversal of policy is most undesirable at the present juncture. There is no doubt, from the District Magistrate's own showing, that picketting as practised in Trichinopoly and the various other proceedings of the non-co-operators with frequent meetings at which inflamatory speeches are made, are likely to lead to disorder; and the use of section 144 appears to be justified for the purpose of preventing this. It is the District Magistrate's duty to prevent any disturbance or lawlessness. The local officials pride themselves on a considerable measure of success in this so far; and it is mainly the columns of the HINDU which might make one suppose that the forces of disorder have had any suceess.

The District Magistrate seems to think that action under section 144 is not altogether justified but to be apprehansive that inaction will be followed by disturbance. There appears to be good reason for this apprehension. There is an alternative however which should, I think, have occurred to the local authorities in view of the heavy burden poced on the Police ever since last August, and that is the quartering of additional Police on the town under Act V of 1861. There is no course so likely to discourag lawless or to induce the respectable inhabitants of the town to wake up and put pressure on them; and it may be suggested to the District Magistrate that he should let it be known that, unless picketing and other unlawful activities cease at once, he will without delay submit proposals of this nature. He may be assured that, if extra police are necessary, there will be no hesitation in sanctioning them.

R.A. GRAHAM - ~~0~~ 6 - 4-- 22.

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I have always been of the opinion that section 144 was very irregularly used to prevent meetings, hartals or even picketting and the District Magistrate's apprehensions are quite justified. Before the section can be used (i) 'immediate prevention or speedy remedy is desirable'; (ii) subject to clause 3 there must be a direction to particular person or persons to abstain from a certain Act; (iii) it can only be done to prevent obstruction, annoyance or injury or risk of the same or disturbance of the publi tranquility, a riot or an affray. If addressed to the public it must be when frequenting or visiting a particular place. I am omitting portions not material to the present question. A speech however seditious it may be does not ordinarily lead <u>immediately</u> to a disturbance of public tranquility or a breach of peace. The section cannot legitimately be used unless immediate prevention is desirable. The man who made the seditous speech should be prosecuted or if he is a habitual sinner section 108 of the Criminal Procedure Code can be availed of. I am afraid we are rea- really using section 144 instead of the seditious Meetings Act and that such use is illegal and except for the self-denying ordinance of these stupid people, would have been rectified by the High Court.

In view of a discussion which took place yesterday before His Excellency, I want to emphasise that we cannot punish people for entertaining or even expressing opinions savouring of commu-nism, Bolshevism or any other nostrum for the bettering or re-placing the Government, unless the propaganda falls under section 124-A or analogous sections. If therefore non-co-operation call for a meeting to preach Swadesi, anti-drink, untouchability or such other economical or social propaganda, there is nothing to prevent their doing so and nothing illegal in such propaganda and their meetings cannot be prohibited, though their propaganda is undertaken as a step in obtaining Swaraj whatever may be the kind of Swraj they fancy. There is no question of policy in the above; it is question of legality. Paragraph 9 of the Govern-

ment of India's letter does not allow us to get illegal orders. Unfortunately the Magistrates do not appear to think they have a judicial duty to perform, and appear to be granting orders as a matter of course. I say 'appear to' for it is impossible to say whether the order was right or wrong unless one reads the whole of the proceedings, and newspaper reports are either sketchy or ar deliberately misleading.

K.S(rinivasa Ayyangar) - 6-4-22.

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I would submit that the first necessity is to get out some positive instructions to the District Magistrate, Trichinopoly, the question of revising circular No.537-S being left till c-3 comes to Ootacamund. C-3 has not definitely approved the proposals made in my former note but has expressed approval of the idea of punitive police generally. Mr. Macqueen evidently needs some immediate guidance, and probably hoped to get it early in the month, before the date advertised for the hartal. I have therefore put up for consideration a draft demi-official.

R.A. GRAHAM.-17-4-22.

I regret I am unable to accept the draft. My views as to the use of section 144 and as to punishments for failure to give security is fully stated in my notes in this file and in another. That out instructions contained in paragraphs 4 and 9 of circular No.537-S., have led to a series of orders undersection 144 which are prima facie illegal and to sentences of imprisonment for failure to give security which are unfair or imporper is evident. The climax of absurdity was achieved by the Subdivisional Magistrate of Salem if the report of his order in the newspapers is corr correct. I cannot envisage the situation as the Chief Secretary does and all we ha e achieved is not peace in the country, but the disgust of our well-wishers. It is time to cry a halt. I am not able to see any recrudescence of non-co-operation in the sense of its leading to violence and I for one am unable to tolerate 'lawlessness' as the District Magistrate of Trichinopoly

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puts it. There appears to be no desperate hurry for the demi-official to the Trichinopoly Magistrate. What we want is real peace and not sullen quiescence due to terrorism, which from all I hear friends is the present state of Guntur. I have however no objection to the demi-official issuing if altered as I have suggested; omitting the portion in brackets and making the changed to fit in the rest of the draft.

K.S(rinivasa Ayyangar) - 18-4-22.

Demi-official from the Hon'ble Mr. K.Srinivasa Ayyangar, Member of the Council, to R.A.Graham, Esq., C.S.I., I.C.S., Acting Chief SEcretary to Government, dated Madras the 17th April 1922.

I am sending you herewith a strongly worded protest from the Madras High Court Vakil's Association against the use of 107, 108 and 144 of the Criminal Procedure Code.

I am afraid there is a good deal of truth in what they say and it mostly agrees with my views as you know.

The order of the Salem Magistrate which appears to be obviously illegal has been the last straw.

Will you kindly call for the proceedings in that case and an explanation from the Salem Magistrate and also the proceedings in cases which resulted in the issue of orders under section 144 which were published in the SWARAJYA to which I drew your attention before you left.

Section 144 is now extended really far beyond the provisions of the seditious Meetings Act which we take pride has not been introduced into this province. This is not a state of affairs in which we as the Executive Government can disclaim responsibility and take shelted under non-interference with judicial acts. For, action under sections 107, 108, and 144 in fact under the illegal orders under these sections are not asked for or are not granted though the party may have a right of appeal or revision to superior judicial authorities.

NOTE BY THE HON'BLE MR.K.SRINIVASA AYYANGAR.

.. . ..

In giving sanction under section 196 of the Criminal Procedure Code in respect of offences punishable under Chapter of the Indian Penal Code, that is, offences against the State or section 153-A or section 505, I propose to act on the following principle:-

(1) Where a speech seditious in its nature incites people to violence;

(2) in cases where malicious or atrocious lies are deliberately propagated with a view to induce class or racial hatred;

(3) in cases where persons of influence though they may not either desire or intend to incite to violence make seditious speeches in places or at times where people are in a disturbed or dangerous state, circumstances in which very little will be necessary to set ablaze smouldering fires, I propose to give sanction for prosecution.

It is unnecessary to go beyond this and if the above principle is adopted, I have no doubt that we shall vindicate all justice of our action in the eyes of all people who believ e in legal and constitutional agitation for attaining self-government or swaraj, however suspicious they may be of the actions of the Government I am afraid that a very large majority are of this category and it is due to us that we should demonstrate the justice of our acts and that we have no desire to prevent propaganda for Swadesi, temperance, unity of all classes, or the removal of untouchability in themselves desirable things which we ourselves are anxious to foster. It is also desirable that people should know that we are not acting fram motives of revenge.

I showed this to His Excellency and he entirely agrees.

K.S(rinivasa) Ayyangar) - 28-4-22.

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THE MADRAS HIGH COURT VAKILS' ASSOCIATION.

(Established:1889;Incorporated under Act XXI of 1860: 1908).

High Court Buildings,

Madras, 17th April 1922.

From ~~xxx~~
The Secretary,
Madras High Court Vakil's Association,
Madras.

To
The Hon'ble Mr.
Mr. K. Srinivasa Iyengar, B.A.,B.L.,
Executive Council Member,
Mylapore; Madras.

Sir,

I have the honour to send you herewith a copy of the Resolutions passed at an emergent meeting of the Association held on Wednesday the 12th instant together with a copy of the letter addressed by me to Government for such action as you may deem fit to take on the same.

I have the honour to be
Sir,
Your most obedient Servant,
(Sd.) P.R. Ganapathi Iyer
SECRETARY.

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(1) This Association desires to place on record its deep concern at and emphatic disapproval of the frequent xxx misuse by the Magistracy of this Presidency of their powers under section 107, 108, and 144 of the Criminal Procedure Code for purposes outside their purview and is of opinion that such use is a fraud upon the power and is calculated to bring the administration of justice in this Presidency into contempt and further, this association respectfully invites the prompt attention of the High-Court and the Government of this Presidency to the most recent glaring instance -- viz., the order of Mr. A.R. Vaidyanatha Ayyar sub-Divisional Magistrate of Salem dated 9th April, a copy of which is annexed herewith purporting to have been issued under section 144 of the Criminal procedure Code which is wholly illegal and without jurisdiction and requests the high Court and the Government to take the necessary steps to cancel the order.

(2) This Association respectfully presses upon the High Court the necessity of calling for the records and examining the legality of all proceedings under Section 107, 108, 144 of the Criminal Procedure Code against persons doing all alleged to be doing political work and more respectfully especially in cases which are left undefended.

(3) This Association requests the Committee of the following Gentlemen Messrs. (1) K. Bhashyam Iyengar (2) T.V. Gopalaswamy Mudaliar (3) A. Krishnaswamy Iyer (4) P.N. Marthandam Pillai (5) S. Satyamurthy Iyer and (6) E.Vinayaka Rao with Mr. P.R. Ganapathi Iyer as Secretary and Convener and with power to add to their number to watch the proceedings of the Courts and Magistrates of this Presidency under the said sections in connection with political work and report to the Council from time to time.

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S E C R E T.

Public Department.

D.O. No.252-S,Public,dated 31st May 1922.

Dear Sir,

(Non-co-operation - Policy - Section 144, Criminal Procedure Code - Female agitators).

Questions have been raised recently as to the legality of some of the orders issued by Magistrates under section 144 of the Code of Criminal Procedure. They have been attacked both on the ground that the actions prohibited would not have led to obstruction, annoyance or any other of the consequences which orders under that section are meant to prevent and on the ground that they have been addressed to the Public generally in a manner not warranted by the text of the section.

2. The wording of some of the orders which the Government have seen appears to be open to the latter criticism. Clause (3) of the section says that an order may be directed to a particular individual or to the public generally when frequenting to visiting a particular place and does not appear to contemplate an order to the public generally to refrain from a particular course of conduct over a wide or indefinite area. I am accordingly instructed to ask you to take such opportunities as you have of mentioning this point to your magistrates, not in the way of finding fault, but as a guide to future action. There are indications that the orders of the Magistrates will not continue to go unchallenged and if it can be avoided the opponents of the Government should not be given opportunities of scoring apparent triumphs over the executive authorities.

3. It is likely that there have been some cases in which orders issued under section 144 have not been altogether justified by the facts and probabilities, but the Government believe that in the great majority of cases the use of the section has been

judicious. They recognise that the action taken by the District Officials in the past six or eight months has played a very important part in combating the efforts of the non-co-operation party to paralyze the administration, and wish to give the fullest credit to all who have helped to bring about the improvement in the general respect for law and Order. There is no certainty yet that the improvement is permament and the time has not come for any change of attitude towards people who have given expression to desire to overthrow the Government, or for any relaxation of vigilence. It is the duty of the district officials to maintain law and order and they are the only persons who are in a position to judge the necessities of each case. If, therefore, a magistrate empowered to issue an order under section 144 entertains a real apprehension that obstruction , annoyance or injury or risk of obstruction annoyance or injury to any person lawfully employed, or danger or an affray will result unless speedy action is taken and considers that a prohibitory order is the best means of immediate prevention, he is perfectly justified in issuing such an order and his action will receive the full support of Government. It is advisable, however, that the reasons for the apprehension should be fully set out in the order.

4. The Government have had before them the judgments in several cases in which Magistrates have inflicted rigorous imprisonment as a punishment under section 188 of the Indian Penal Code for disobedience of orders issued under section 144 of the Code of Criminal Procedure. In many of these the imposition of the ~~severe~~ severest punishment was clearly correct, but there are others in which there no real indication that the disobedience would cause or tend to cause danger to human life, health or safety, or would cause or tend to cause a riot or affray. Where the tendency is only to cause obstruction, annoyance or injury to any person lawfully ~~one month~~ employed, the maximum punishment provided by the section is simple imprisonment for one month or a fine of two hundred rupees or both; and the Government are inclined to think that,

where there is any likelihood of recovery, either directly or by distraint, the most effective way of dealing with offenders is by fine. Non-co-operators have been found particularly amenable to any form of disciplinary action which touches their pockets and it is not desirable to give them opportunities of cheal martyrdom.

5. Lastly I am to draw your attention to the possibility that, if there is a revival of disloyal activity, more prominence than in the past will be given to female agitators. Indian sentiment is very much against the imprisonment of women and the objects of putting women forward to speak will, with tolerable certainty, be firstly to save their male collaborators from the risk of punishment and secondly to enable them to ~~punishes~~ inflame the minds of persons normally well disposed against a Government which punishe women. While therefore in principle there is no reason for differentiating between male and female offenders, in practice, both for the reason given above and because of the difficulty of providing suitable jail discipline at present for women the class likely to be convicted, the Government would prefer that they should not be sentenced to imprisonment substantively if it can be avoided. For similar reasons they would deprecate proceedings under the security section 124-A or section 153-A of the Indian Penal Code any woman guilty of making really inflammatory speeches and to instruct the prosecutor to press, on conviction, for the imposition of a subsprotantial fine, to be recovered by distress if not paid. It is probable that less harm will be done by letting minor offenders alone than by taking proceeding against them.

Yours sincerely,

(Sd.) R.A.Graham.

To

District Magistrate.

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CUTTING FROM NEWSPAPERS.

NAME OF THE PAPER: Daily Express.

Dated 17--4--22.

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~~SECTION 144~~

SECTION 144, C.P.C. IN SALEM.

(To the Editor).

Sir,

As an old resident of Salem and as one intimately acquianted with that town permit me to thank you for the great service your Salem correspondent has rendered by giving wide publicity in your columns to the remarkable "Order" purporting to be made under section 144 of the Criminal Procedure Code by the Sub-Divisional Magistrate, Mr. T. Vythianatha Iyer. There have been glaring instances in Salem of the abuse of this section by the Subordinate Magistracy, but I do not remember to have read any reference to them in the Anglo-Indian papers and this appears to be the first instance in which your readers have been introduced to the amazing "orders" which are the order of the day in Salem. Not a week passes without some extraordinary exhibition of assumed power under the Section which, as every lawyer known was intended for very different purposes. In one instance, an order was to be served on a man, on whose land, a marriage pendal was erected by an official because the former had the temerity to question the trespass.

Of all the notices in the name of this section none beats this latest production of the Deputy Magistrate of Salem for sheer illegality and 'zoolum.' We have had the case of a Sub-Inspector of police in the Trichinopoly District serving such orders off his own bat; such action may be put down to ignorance, but can we in reason, make the same excuse for a Deputy Magistrate invested with large powers? It does not require a lawyer to see that the orders in question is clearly illegal and amounts to a fraud upon the law. Is there no local legal adviser to Government

who can be consulted before such "orders" are issued? Are Government aware that these are being issued without any advice? If they are advised by a lawyer what does Government think of the person who advises them? These are serious questions that arise ad and that imperatively demand answers as the fundamental rights, citizens are being threatened and that sense of liberty which the law created and safeguarded is being rapidly destroyed.

The vakils' Association of Madras is not a day too early in calling attention to the gross illegalities committed by the Subordinate Magistracy in thus running amock among the preventive sections of the code in their anxiety to aid the Police in repressing imagined breaches of the peace or in a desire to call attention to their own zeal. It is because the non-co-operator is not questioning these orders in the courts, that they pass unheeded and unchallenged and not because, as is fondly imagined by their authors, the mere quoting of the mystic numbers, 144,108 or even 188, is all that is needed to set at rest questions as to their legality. As the resolution of the Vakils' Association passed recently points out it is high time Government turned its attention to the scandalous way in which these sections are being tortured and turned into engines of oppression. If expediency and not legality is to be the test of these orders then by all means let these orders be issued but let it be done openly and in the light and not under the mask of this or that section, for this light hearted trifling with the law is leading to serious mischief which it will take long years to eradicate. A spirit of autocracy and overweening conceit is coming over the Subordinate Magistracy and there are many cases of "Swollen head" among them -- the natural result when they see that the law is being subordinated to expediency. An unscrupulous policeman and a facile magistrate can become the terror of a taluk and spread consternation far and wide. A more serious mischief I may call attention to from the Government point of view is that the non-co-operator is domonstrating that by his non-co-operating methods the law is being made ridiculous

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and that his efforts are necessary to maintain the former dignity of the law, Many of these orders are unjustifiable and unnecessary and are based on mere alarm of subordinates who think that the heavy burden of maintaining order rests on their shoulders. If a few of the subordinate Police who have been for too long a time in Salem and have acquired property in the town are transferred out of the District, all need for orders of the kind will at once cease. It is to be hoped that the "Vigilance Committee" appointed by the Vakils' Association will succeed in its herculean task.

S.D.S.

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Copy of a communication No.Nil dated 30th April 1922 from the Sub Divisional Magistrate, Mayavaram, to the District Magistrate, Tanjore.

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During the Congress week of the previous year (1921) there was hartal at Kumbakonam which is only 20 miles from Mayavaram. One Natesa Chetty was arrested by the Police and to rescue him there was disturbance round the Town Police Station there and the Police were forced to fire upon the crowd killing one man. Within a few days there was a hartal at Mayavaram i.e., on 6th April 1921. Jutkas struck work and even private conveyances were forced to stop. Indeed a bench was put across the main road of Mayavaram near the Railway Station and even pedestrians were not allowed to pass the road. In the evening of that day the Circle Inspector of Police and Sub-Inspector of Police were going to the Railway station and they were also stopped. Three persons were charge-sheeted by the Police in that connection and they were convicted by me and the conviction was upheld by the Sessions Judge on appeal though the finding and sentence were somewhat modified. At the hartal of the 17th November 1921, date of arrival of H.R.H. the Prince of Wales at Bombay one Amjud Ibrahim and his followers were obstructing carriages from playing to the great inconvenience to passengers. I at once sent for him and one of the bandyman concerned bu the latter would not depose against

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Amjud Ibrahim out of fear though he admitted that some people interfered with him and Amil Ibrahim had to be let off on his giving an undertaking that he would not take part in the hartal that day. Subsequent to it and before the hartal of the 13th January there was whole sale cutting of cocoanut spathes and also dismantling of toddy shop at Akkur (9 miles from Mayavaram) in broad day light by a crowd of people who paraded the public roads crying "Mahatma Gandhiki Jai" and set authority at naught. 7 people were convicted by me in this connection and sentenced to various terms of imprisonment and fine and they were also bound over to keep the peace. On the occasion of the hartal on 13th January date of arrival of H.R.H. At Madras there was a bajana procession at Mayavaram during which seditious songs were sung, officials were insulted and the Police lines were invaded in the absence of the male members on duty and the women were intimidated to tell their husbands to give up Government Service. In the interior of the Division there was looting at the shandies at Tiruchampalli and Nataraja Pillai Chavadi, and village officeres were intimidated to resign their appointments, several toddy shops both in Mayavaram and Shiyali taluks were burnt and a Government cattle pound was partly burnt. The salt Treasury at Neidavasal was also threatened. I and the District Superintendent of the Police had to go to the spot with a body of armed Reserve Police and several persons were arrested whose trial is now proceeding before the Sty. Sub Magistrate, Mayavaram. Again on 4th Febraury the Sub-Inspector of Shiyali was assaulted at Vythisvarancoil by a large crowd as he was taking non-co-operator prisoner to Mayavaram and the prisoner was rescued, garlended and taken along the streets of Vythiswarancoil before before he was retaken. The Sub-Inspector was severely injured on the head, several men were arrested in this connection and the case is now under enquiry by me. The Tiruvaduthurai Mutt riots that occurred two days after had, no doubt, no direct connecton with non-co-operation but the bad example set by non-co-operators in setting authority at defiance has had a bad effect even on people not actually professing non-co-operation. It is unnecessary to enu-

merate here other cases of burning of toddy shops and cutting of spathes within the last few months but they have been numerous. There have been rumours at every hartal that shopkeepers were forced to close their shops and vegetable and hopper sellers were intimidated and their ~~were~~ wares were thrown to the grown ground and scattered but no one dated to complain to the authorities about it. During the trial of Akkur case a large crowd invaded my Court precincts and I had the greatest difficulty in going through the trial smoothly and without any untoward incident.

3. As regards Manamedu, the locality concerned in the 144, order now in question, it is well known that it has been seething with insidious non-co-operation propaganda for some time past. One Haji Abdur Rahiman of Athur a village closeby was convicted recently by Mr. King, the Additional District Magistrate, and sentenced to a long term of imprisonment as he could not give security. Indeed at one time the Police stationed at the Manamedu Out Post ane the nadars who were tapping trees in contravention of the non-co-operation propaganda were boycotted by the local bazaar people and they found great difficulty in procuring food stuffs. On the occasion of the recent jamabandy the Tahsildar found difficulty in getting accommodation for his office Staff. Further details will be found in the Sub-Inspector's report copy of which is enclosed.

4. It will thus be seen that there ~~will~~ were ample grounds for passing the order under reference. If peace was to be preserved, rowdism was to be kept down, law abiding people were to be allowed to ~~to~~ pursue their usual avocations without disturbance and the prestige of the British Raj was to be maintained, no other course was possible.

~~The cuttings were submitted.~~

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HISTORY OF NON-CO-OPERATION MOVEMENT IN THE MADRAS PRESIDENCY.

(Secret Files No.351, dated 22-7-1922 - N.C.O. and Khilafat - Volunteer movement - Act 1908 - Prepared legislation dropped - Criminal Law Amendment Act 1908 - Repeal or modification discussed - Letter No.309/S to Government of India - Serial No.171)

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Note on the File.

In their letter dated 12th May 1922, the Government of India asked the Madras Government to express their opinion on the following points: (i) The practical working of the Criminal Law Amendment Act (ii) the need for its retension (iii) and the suitabilityof the proposed amendments. There was a discussion about it among the members of the Governor's Executive Council in Madras. Both the Councillors and the ministers were divided in their opinion. Their notes contain some interesting information regarding the views held by them about the volunteer organisations sponsored by the leaders of the Non-co-operation and Khilafat movements in the Madras Presidency. The following pages contain extracts of them.

CONFIDENTIAL.

No.F.327.

Government of India

Home Department

(POLITICAL)

From

The Hon'ble Mr. S.P. O'Donnell, C.I.E.,I.C.S.,
Secretary to the Government of India,

To

The chief Secretary to the Government of Madras.

Simla, the 12th May 1922.

Sir,

I am directed to invite a reference to the correspondence ending with your letter No.506-S dated the 29th November 1921, On the subject of the non-co-operation movement and the undesirability of introducing special legislation to deal with unlawful drilling.

2. The replies received from local Governments indicate that they are generally in favour of special legislation being undertaken, but since their views were recorded there has been a material change in the political situation and there is at present in the opinion of the Government of India not sufficient justification for the introduction of fresh legislation, which would undoubtedly provoke considerable opposition. Moreover, there are certain practical difficulties in legislating to prohibit unlawful drilling. It would, for instance, be necessary to license innocent associations, such as Boy Scouts, Girl Guides and school drilling classes, and this might create the impression that Government were seeking to interfere with harmless bodies. For these reasons the Government of India have decided to abandon for the present the proposal to introduce special legislation.

3. At present unlawful associations can be proceeded against under Part II of the Criminal Amendment Act and, as pointed out in the Home Department letter of the 22nd October 1920, the provisions of this Act would be employed to some extent for the suppression of unlawful drilling. This enactment however is not itself immune from criticism; indeed the Government of India recognise that there are defects in it, in particular the provisions whch which make unlawful certain associations whether so proclaimed or not; they have given an undertaking to re-examine the possibility of replacing it by a measure less open to objection, and it is probable that sooner or later they will be faced with a demand for its repeal. They would be glad accordingly to be furnished at a very early date with information as to the extent to which and the manner in which Part II of this Act has been employed in M a d r a s -, the difficulties experiencedin its working and the need for its retention, They are of course aware of the action which has been taken in the various provinces during the last six months under the Act against the Congress, Khilafat and National Volunteers, but the information in their possession is of a general character and it is essential in order that they may be in a position to determine their policy in this

matter, that they should receive a full report from each local Government indicating the circumstances which have necessitated the employment of the Act in the past embodying the considered views of the Local Government as to the possibility of dispensing with its provisions, and setting out the modifications, if any, which the local Government regard as desirable.

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COUNCILLOR'S NOTE.

I think that both Part II of the Criminal Law Amendment Act and the Seditious Meetings Act must be repealed. They were intended to meet a specific sudden emergency which arose and should in the first instance, have been enacted as a temporary measure.

As regards the first Act which is the only one now in question, it is well known that its object was to control the Samities of Bengal associations secretly formed and engaged in violent criminal activities such as dacoities, murder of Government servants and bomb outrages. It carried on its work by terrorism of the worst kind and no law abiding or peaceful citizens dare to complain against even notorious members of such association. Their regular practice was lathi play and the associate members were expected to use their skill for committing violent acts. The volunteer Associations inaugurated under the auspicies of the Congress organisation are of a totally different catagory. Their activities are above board and are in fact advertised. Non-violence is an article of their creed and the ostensible object of these associations is propaganda work in the cause of Swadeshi temperance, unity of all peoples and the removal of untouchability- objects not merely innocent in themselves but are very desirable ones in which Government is, as a matter of fact, interested. It is quite true that although non-violence is an article of their creed there have been sporadic cases of violence. Taking human nature as it is, it is impossible to avoid such cases when an intensive propaganda is being carried on in association by a considerable

number of people, however, much, they may not profess non-violence and even bonafide act on the basis. Whether at the back of the mind, at least on the part of the leaders, there is not the idea of a large organisation desciplined and intended to act as a unit which would supersede the ordinary defence forces of the Government, such as the Police and even the Army, may be a question, Looking to the fact that the idea is to enrol at least a crore of volunteers cannot help thinking that the leaders are preparing. It may be unarmed army which finally they may have to use against the established Government. But looking to the present state of the movement and judging from the indication which we now have this is a contingency which we can contemplate with equanimity. It will be noticed xxx that the contructive programme of work has not evoked much enthusiasm on the part of young men who required a spice of danger or emotional excitement to induce them to join the Non-co-operation movement and the present programme appears to them to be too tame, too hamdrum for them to take any real or enthusiastic interest. Abuse of Government palli and even the Punjab occurrences have become stale by constant repetition; So much so that a few rowdy persons are obliged to indent largely on a prurient imagination even to get an audience. In these circumstances the ordinary law appears to be quite sufficient to counteract any criminal activities of mischievous persons. In a movement of this sort, however noble may be its ideals, it is the rowdy element that comes up to the top and to deal with them the ordinary provisions of law are not merely enough but are more suitable. There is no good of taking such action as enables the blackguards to pose as martyrs. If there is anyxxx intimidation, any violence, any assault in the pursuit of what is called the constructive programme of the Congress, the provisions of the Indian Penal Code are quite ample to deal with such cases. If associations are formed for the purpose of embarking on such activities they can easily be brought under the conspiracy section of the Penal Code. It is often said that people are terrorised into refraining from making

complaints or resorting to courts. Though I admit the possibility of such a state of affairs when associations are formed, as they were in Bengal, intended to carry on violent criminal activities I do not think that there can be any real apprehension on the part of those who pretend that they dare not complain owing to fear. I read in the papers a day or two ago that the Madura Abkari and Arrack contractors have declined to open their shops because the N.C.O. volunteers are assaulting or beating their customers. I must say that I discount the stories very much and in cases where such a state of things is likely to occur Police vigilence should be able to ally all such apprehensions. I am afraid that the use of the Criminal Law Amendment Act is really preferred because we are not in a position to adduce legal evidence in a court of law but are prepared to act on what is considered moral conviction which ordinarily degenerates into suspicion. After all in such cases we will have to depend upon the C.I.D. reports which agaain in cases where we cannot get evidence can only be based upon the stories of informers or spies.

Legislation of this sort, which originally intended for a particular emergency or for a particular purpose, is placed permanently on the statute book, is often found convenient to meet a different situation and the Executive are naturally reluctant to give up such powers. There is nothing immoral or illegitimate in such a feeling but it happens to be dead against the spirit of British Administration infused as it is by the rule of law and which has not been able to tolerate anything like droit adi administration. It is easily said that such powers have not been improperly used and that they may as well remain. Unfortunately such a claim is incapable of demonstration for there is no challange or at any rate effective challenge against executive discretion in the Court of Law. These powers again are found convenient to counter objectionable activities though they may not at that time take an undesirable or illegal direction. But this is no justification for retaining such powers and under a system of Government where there is any vestige of responsibility, such a state of

affairs is not likely to be tolerated. That accounts, for the restiveness of the Legislative Councils and for the resolutions constantly brought to prevent the exercise of the powers vested by law or to minimise the consequences of the exercise of such powers. I therefore think that there is no justification for retaining the Act in the Statute Book anylonger.

It is however possible that the Government of India may not be able to repeal the Act altogether in view of the situation in other provinces, especially Punjab and the United Provinces and in such an event the amendments suggested appear to me to be suitable subjectø to one modification which I would suggest.

In the proposed definition under section 15(2)(a) I would omit the words "which has for its object interference with the administration of law or with the maintenance of law and order" and add to the existing definition only the words "or which constitutes a danger to the public peace". My objection to the words which I wish to omit is that "interference with the administration of law or with the maintenance of law and order" are not capable of any precise definition or limitation. They are vague and almost anything can be brought out under it. What exactly is meant by the interference with the administration of law" I have never been able to understand; and the maintenance of law and order though it is a well-understood expression among the executive officials is again not capable of a reasonably precise definition.

I agree to the other amendments proposed. If my proposal xx to repeal Part II of the Criminal Law Amendment Act is accepted I would have no objection to making the offence of intimidation a cognisable offence, though I consider it is not wholly necessary.

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COUNCILLOR'S NOTE.

It may be rather hazardous at this stage to say what the next move of the N.C.Os will be. To borrow a Persian saying "We do not know in which direction the camel will turn next". We find the question as to the future programme of this party being hotly discussed. While some would favour the continuance of the old programme unabated as a mark of reverence to Mr. Gandhi who is now in Jail, others favour the idea of a veiled co-operation with the sinister motive of creating a deadlock in administration. There are again others who, burning with the past failure, will not hesitate to bring about any calamity simply to keep alive the emotional side of their votaries ! In this variety of conflicting ideas a propagandas, he will be bold prophet moved who will advice to sing the funeral song of this movement. Until therefore the the clouds actually clear and the political harizon too gets absolutely clear, administrative prudence must draw and that there shal be available in our armoury a weapon which we might rely upon in case of actual necessity. Of course, I am prepared to agree that in the light of the past experience it may be necessary -- nay imperative -- to amend the Existing Law. To this extent I agree and I accept the suggestions of the Government of India.

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COUNCILLOR'S NOTE.

I agree generally with the Hon'ble Mr. Habib-ul-lah. The reason given for failing to proceed with the legislation on the English hires, namely that there is a lull in the activities of the revolutionaries, seems to me a very strong reason for going ahead. We should not be hear now if our generals had taken a holidaywhenever the German bombardment should serms of slackening.

As for the General question, which I agree with the Hon'ble the Law Member in disliking special legislation, I cannot help feeling that these there is a tendency to minimise the difficulties with which are our period. He refers to "an intensive "propaganda having carried on in association by a considerable "number of people." and "cannot help thinking that the leaders "are preparing, it may be, an unarmed army which finally they may have to use against the established Government." The propaganda is frankly revolutionary and the leaders are no fools. They make it their leniency to take advantage of every loophole in a law that use was made for other conditions, and while they are the moderates to cry out against every attempt to fill the gaps, they rank the ignorant against the government by the fullest misrepresentation of every amendment that is proposed.

Then in two cases open -- drifting or governing. The Government of India are drifting at present, preserving themselves in a spell of time , matter and shutting their eyes to the example which involved offers the example which of the results of such a course. Governing is a very difficult nuicense, but I would not meant that all experience trotten in, in such conditions or the parent, to take advantage of the hell to reorganise our forces, to stimulate the will-all-elected, to make a every movement of the enemy and to forge special wrapper to meet his special mode of attack.

If the criminal Law Amendment Act is objectionable because it uses powered to deal with secret societies, while what

we ask now confronted with is an open revolutionary movement, ~~tha~~ there but as ask for a special law that Will be as open as the movement itself and that will make illegal that ~~fearlous~~ jealous of its activities that have led to unobservation of life, wholesale less of reverence and unobservable disregard of order and authority in a country in which order has been maintained by an extraordinarily small staff only by aid of the people's invate unopened for law and order.

Failing that I would accept the Government of India's proposals subject to the criticisms of the Chief Secretary.

CONFIDENTIAL NOTE BY HON'BLE MINISTER K.V.REDDY

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In the letter under reference the Government of India recognise that there has been a material change in the political situation and that at present, in their opinion, there is no sufficient justification for the introduction of fresh legislation to deal with unlawful drilling. In para 3 they also recognise that sooner or later they will be faced with a demand for the repeal of the Criminal Law Amendment Act. Having said that, the Government of India want us to furnish them with information as to the extent to which the manner in which part 2 of that Act has been employed in Madras, the difficulties experienced in its working and the need for its retention. As has been noted by my Hon'ble Colleagues, this Act not having been utilised by this Government., we are not in a position to give them the information desired. The fact that we have been able to get on with the ordinary law is a sufficient proof that there is no need for its retention so far at least as our Province is concerned. We do not know for certain what the conditions are in other provinces, but judging by the fortnightly reports excepting in exceptional circumstances, the conditions in other parts do not seem to differ very much from our own. If we have been able to get on without the use of this Act it is rather rather difficult to conceive why the other provinces have not been able to manage without the aid of the Act. May we not claim under such circumstances that a certain amount of tactfulness, courage and statesmanship in the head of the administration is responsible for this state of affairs in our Province? While thousands of young national volunteers were being sent to jail daily in Bengal, we in Madras formed our own loyal volunteer corps, however small their ~~n~~ numbers and combated the non-co-operation movement in this Presidency by counter propaganda. The work of Samadharma Sabha in the Kistna district and of the Anti-non-co-operation Society in Godavari is well-known. I know of an instance also in which a band of youngment of the last mentioned society coolly went to

a place where a huge meeting was being held at which the Gandhi flag was flying and a female speaker was haranguing. The co-operationists went, brought down the flag, trampled it under their feet and coolly took away the lady bodily, placed her in a jutka and drove her to the railway station. Before they did this the Divisional Magistrate wanted to take action against the organisers of the meeting and to prevent it under law, but the co-operationists said they did not like it and that they would not interfere in case the law should intervene in a matter like that. This might at first sight appear that they were taking the law in their own hands, but as the consequence showed, they did not contravene any law, nothing serious happened, only the meeting terminated without violent speeches being made and the Gandhi flag went down. Organisation of that kind and propaganda on similar lines would in my opinion, do more than all the forces of law, for while the latter are capable of doing their work they leave behind them a feeling of resentment that repression is resorted to and that freedom of speech, freedom of meeting and freedom of action were denied to the subjects. Such constant resentment of that kind is apt to drive the ill-feeling under ground and there is no knowing where that will lead to. If, on the other hand, these national volunteers and other revolutioneers should experience and recognise that there is a section of their own countrymen who are prepared to defend the law, to protect their homes and their kith and kin, they feel their weakness and cannot possibly go ahead in their nefarious trade.

As regards the amendments suggested in para 4 of the letter of the Government of India also I should think that no action need be taken. In the first place, "interference with the administration of law" may mean anything. Suppose some lawyers cease to practise in courts, as some have actually done, is that interference with the administration of law or not? Are not clients who engaged such vakils put to the inconvenience of engaging other

vakils? May there not be cases in which poor clients might not be in a position to engage fresh vakils on the date on which the case might come up for hearing, especially when the notice of the withdrawal of the vakil is short? Is the Act to be applied in such a case? If so, is it not an encroachment on the liberty of the subject? Again any such amendment of the second part of the Act as is proposed by the Government of India would give a fresh impetus to the non-co-operators, a fresh grievance to stir up bad blood, a stimulus to recover the leeway which has necessarily f followed the arrest of Mr. Gandhi and other leaders. If these amendments are published, as they must be, before the introduction into the Assembly, there will be a regular howl raised and a fresh lease of life given to the cause. I am prepared to admit the lull in the non-co-operation activities may not long continue. But it will require the genius of Gandhi to supply fresh food for renewed activity. Mr. Gandhi being in jail however, the other leaders have neither his genius nor his resourcefulness. It will take some time before these other leaders can think of fresh propaganda. Why not we enjoy the benefit of the weakness of such leaders? Why supply them with material which they could use to their advantage and to our disadvantage. My humble opinion is, let us get on, let us see what the next move of the non-co-operators would be and then there will be time enough to deal with them. Let the Act be altogether repealed, if the Government of India feel, as some of us do, no need to retain it and if not, let them wait and watch events. Let no room be given for the impression that repression is being resorted to when it is unnecessary to do so, or that want of statesmanship has precipitated events which would not have occurred if opportunities were not afforded.

(Sd.) K.V.REDDI

10-6-1922.

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MINISTER'S NOTE.

The Government of India themselves recognize the drastic nature of the Criminal Law Amendment Act and have given an undertaking to reexamine the possibility of replacing it by a measure less open to objection. But the question is, is its immediate removal from the Statute Book advisable? Those who are inclined to think that the Criminal Law Amendment Act can be at once removed argue that that Act was intended to Control the Samities of Bengal, Associations secretly formed and engaged in violent criminal Activities such as decoities etc., and that since the volunteer Associations are openly constituted under the eyes of egis of the Congress the latter with their activities directed towards the propaganda work in the cause of objects not merely innocent in themselves but highly desirable; are above board and cannot be dealt with under the permissions peace of legislation.

I only wish the activities of these volunteer associations were as innocent and as desirable as they are alleged to be. Congress ! Indeed once a cherished name has now descended to signify a body of revolutionaries supported not unlikely by Roubles from Russia. That name should no longer lull us to tolerate the Bolshevia activities to have free play in the country.

The Congress volunteer associations aiming as they do their ax at the very root of the British Raj are far more dangerous than the Bengal Samities whose lawless spirit did not aspire to go beyond mere acts of ruffianism. The former deserve no better consideration than the latter. So the argument that the law intended to save the samities of Bengal is too drastic to serve the volunteers associations does not carry conviction.

Another argument advanced is that in this Province there has been no occasion to bring the Criminal Law Amendment Act into operation and hence there is no need for the existance of that enactment. I need hardly say that it is rather hazardous to draw the general inference from the experience of a particular admi-

nistration singularly fortunate in its guidance. The law is for the whole country and not for this one Province alone. Its operation in other provinces had been admittedly fruitful of good results. Nor can the denied that men in this Presidency that fact that the weapon was ready for use had its own effect in serving as a scare to the agitators to be careful. In these circumstances, however much I may welcome the repeal of the Act when peace is restored in the country, I cannot afford to give my assent to its immediate removal.

As to the modification of the Act suggested, I do admit that the addition to the definition under section 15-2(a) by introducing the words "which has for its object interference with the administration of law etc.", makes the definition vague. I would limit the interference to obstructive interference and suggested "obstructive interference" in the place of "interference" in the suggested addition to the definition.

I accept the other amendments suggested.

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HIS EXCELLENCY THE GOVERNOR.

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It is quite true that we never used the provisions of the Criminal Law Amendment Act but the fact that took powers may have had some effect; but nothing can be said with certainty as to this and we can say nothing. My own opinion is in complete agreement with my Honourable Colleague C. says in passage of his note when I have marked A. The Government must govern. If the Criminal Law Amendment Act was objectionable because it dealt with a secret society, let us do away with it if need be, but let us clearly inform Government of India that we took upon the non-co-operation as a revolutionary body which is out to upset the Government and that it is immaterial to have special legislation to safeguard ourselves in every way against all these revolutionary methods. In the Government of India won't face this, I regretfully assent to the amendments proposed in the act under discussion.

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To The Government of India,
Home Department.

Sir,

Political Agitation - Volunteer movement - Criminal Law Amendment Act. Repeal or modification of -.

Home Department Letter No.F.327, dated May 12th 1922.

In the above letter the Government of India, ask for information on the following points.

(1) The extent to which and the manner in which Part II of the Criminal Law Amendment Act has been employed in the Madras Presidency and the difficulties experienced in its working.

(2) The need for its retention and the considered views of the local Government as to the possibility of dispensing with its provisions.

(3) The suitability of the amendments suggested in para 4 of the Government of India letter.

2. At the outset I am to say that the Madras Government note with regret that the Government of India have decided for the present to abandon the proposal to introduce special legislation to deal with illegal drilling. They still adhere to the opinions expressed in my letter No.506.S. Dated 29/11/21, they deprecate the view that the political position has undergone such a radical change as to justify a policy of inaction and they consider that advantage should rather be taken of the present lull in political agitation to take stock of the situation and to forge suitable weapons against its possible resuscitation. Nor do they consider that the difficulties connected with the Boy Scouts and the Girl Guides are by means insuperable.

3. With reference to the specific points mentioned above, this Government can offen no useful remarks on the first. The C.L.A. Act was applied by notification to the whole presidency in December 1921, but its provisions were never used and the situation was dealt with under the ordinary law. It is possible that the bare notification, combined with the reports of the practical working of the Act in other Provinces, produced a useful

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deterrent effect, but it is impossible to speak with certainty on this aspect of the question.

4. As regards the second point I am to say that H.E. the Governor in Council would not object to the repeal of the Act, provided that adequate powers were provided to deal with a possible and indeed probable, revival of a movement that he regards as frankly revolutionary in its aims and intentions. This Government gather that the main objections to the Act are that it was framed with the specific object of dealing with the secret revolutionary associations in Bengal - an object that is no longer necessary - and that sections 15 (2) (b) and 16 of Part II of the Act give to the Governor in Council the power to declare any association unlawful at his discretion. This Government agree that these may be sufficient grounds for xx dispensing with or altering the provisions of the Act; but they are emphatically of the opinion, for the reason given above in Para 2, that the present is not the moment to weaken the hands of the Government in any way. They regard the volunteer associations connected with the N.C.O. and Khilafat movements, and particularly the latter, as potentially equally dangerous as the Samities of Bengal. The experience of the Mappilla rebellion indeed bears out this blow, and if the Act is considered objectionable because it was intended to deal with secret associations that no longer exist while the movement wich which the Government is now confronted is openly revolutionary, they would press for a special law to take its place that will be as open as the movement itself and that will make illegal those features of its activities that have in the past led to wholesale loss of life, wholesale loss of revenue and wholesale disregard of order and authority in a country in which hitherto order has been maintained by the prestige of an extraordinarily small staff supported by the people's innate respect for the law. It was because they held these views that this Government strongly supported the proposal to introduce special legislation to declare drilling by these associations and their other objectionable activi-

to be illegal. They have themselves succeeded in dealing with the bitter political agitation of the past months under the provisions of the ordinary law, but they have experienced some difficulty in bringing all the objectionable features of the movement within its purview, and they cannot contemplate with equanity ~~equanity~~ a revival of the past without special powers to enable them to continue the function of Governing.

5. (1) Turning to the detailed amendments of the Criminal Law Amendment Act proposed by the Government of India, I am to say that, failing the introduction of special legislation on the lines mentioned above the and the complete repeal of the Criminal Law Amendment Act, this Government are prepared generally to accept amendments as suitable, subject to the following remarks, They agree that the repeal of section 15(2)(b) is desirable, but they are inclined ~~to~~ to think that the proposed wording of section 15(2)(a) might be made more definite. The expression "interference with the administration of law or with the maintenance of law and order" appears to them to err on the side of references and to be incapable of precise definition, and they would suggest that the only addition to the existing definition should ~~sh~~ be such as to bring within the law associations that constitute a danger to the public peace.

(2) As regards the other amendments the following practical difficulties suggest themselves.

(a) Para 4. (2) b and c.

A notice to be issued by the D.M. must be addressed to some person or persons by name or designation. The names of the office bearers of the association may not be known, and the association itself may not have a name known to the Magt, who may only be aware that certain persons are banded together foran unlawful purpose. Constant questionings might therefore arise as to the validity of the notice. It seems advisable therefore that the Magistrate should have power to issue the notice to any person believed to belong to the association and that such notice, if effectively served on any member, should be deemed to have been

served on the association as a whole and should have the effect of a temporary injunction.

(b) Para 4.(2) e and f.

Section ~~S~~ 188 I.P.C. seems to be a very inadequate engin of punishment. It is only when disobedience to an order causes or tends to cause danger to human life, health, or safety, or causes or tends to cause a riot or affray that the punishment can arise to 6 months imprisonment of either description, or a fine that may extend to Rs.1000, Further it is only when disobedience causes or tends to cause obstruction annoyance or injury, or risk of such to any person lawfully employed, that ~~that~~ it can be punished with even one months S.I. or a fine of Rs.200.

It seems doubtful whether simple failure to disband could be made punishable under this section at all; and this Government are therefore of opinion that a substantive punishment should be provided by the Act, and that in the case of managers and promoters of unlawful associations; it should go beyond 6 months imprisonment.

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History of the non-cooperation movement in the Madras Pres.

SELECTED EXTRACTS FROM SECRET FILES RELATING TO POLITICAL ACTIVITIES IN MADRAS PRESIDENCY.

(Secret File No.486, dated 3-7-1924 - Prosecution of Bhattiprolu Suryaprakasa Rao - Withdrawal on apology - C.P.C. Sec. 108 Apologic withdrawal of cases - Procedure instructions to D.M. Serial No.180).

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STRICTLY CONFIDENTIAL.

From the Special Branch, Criminal Investigation Department,

Dated 10th June 1924.

* * *

Reference S.B. Report for week ending 22-3-24. The proceedings against N.C.O.Bhattiprolu Suryaprakasa Rao under section 108 C.P.C.(M.C.$\frac{10}{24}$) were dropped as he offered an apology.

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STRICTLY CONFIDENTIAL.

Fort St. George,

M a d r a s,

23rd March, 1929.

Memorandum No.100-S.

Criminal Procedure Code ... Section 108 ... Withdrawal of cases ... Procedure.

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It may on occasion happen that a person against whom proceedings under section 108 of the C. Cr.P. have been taken on account of seditious speeches may offer an apology and ask for the case against him to be withdrawn. It is the desire of Government in such cases that the withdrawal of proceedings should be made in such a way that the public will be aware that the offender has definitely recanted from the views he expressed earlier. Before such cases are dropped the Government should be informed and should be given an opportunity of seeing the apology tendered so that its contents and tenour may be examined.

2. All District Magistrates are requested to bear in these instructions in mind. Necessary instructions should be issued to Public Prosecutors. They need not be informed of the proposed reference to Government; they may be merely told that the orders of the District Magistrate can then refer the matter to Government before issuing final orders.

(Sd.) M. Yeatts,
For Chief Secretary.

HISTORY OF NON-CO-OPERATION MOVEMENT IN MADRAS PRESIDENCY.

(Secret File No.496, dated 24-7-1924 - Madura Picketting - campaign 1923-24 - Toddy shops - Picketters prosecuted and bound over - Conditioned release but refused - Janab Changa Mian Sahib bound over - Serial No.141.)

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PICKETTING IN MADURA

Picketting of toddy shops by the Non-co-operation volunteers began in Madura in June 1922. As usual the picketters were arrested, tried and given various terms of imprisonment. After a couple of months, the Tamil Nad Congress Committee decided to stop picketting and the campaign had therefore come to and end. The Government authorised the district authorities to release on conditional terms all those imprisoned persons, who were not in the opening opinion of the local authorities dangerous elements. The conditions prescribed by the Government were not however accepted by the picketters. Therefore none has been released. The following are the extracts that deal with the details of the campaign.

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Madura

Collector's Office,
7th July 1923.

Non-co-operation - Madura Town - Picketters arrested.

Picketting by volunteers of four liquor shops has been going on in Madura Town during the past week. .. .. .. In all, seventeen were arrested and are now being tried under the Town Nuisance Act for causing obstruction. .. ..

.. ..

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SECRET

Advance copy of a paragraph of Madras Police abstract, No.27, dated 21st July 1923.

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KHILAFAT AND NON-CO-OPERATION MOVEMENTS.

On the 3rd picketting operations were extended to the arrack shops at Selur and Munisalai. Tactics of general obstruction and annoyance to customers were continued at all shops. Operations were extended to the Teppakulam shop on the 4th. On the same day a number of cases of forcible obstruction by N.C.O. volunteers accompanied in two instances by the use of foul abusive language were reported at the Goripalayam shop. .. ..

On the 6th Picketting extended to the Pillaiyarpalayam toddy shop where abuse, threats and obstruction by N.C.O., volunteers occurred. .. .. There was also stone throwing at the place -- .. .. Eighteen volunteers were accordingly arrested and prosecuted and they were next day sentenced to eight days' R.I. under section 3 cl.II of the Towns Nuisance Act. .. ..

On the 8th a Salt peon in mufti was assaulted, mud was thrown on his head and he was pursued from the Goripalayam shop.

On the 9th a customer returning from the Puttutope toddy shop was surrounded by 10 volunteers who beat him and burned him with a torch. .. .. The Salt Inspector and the Sub-Inspector were subjected to annoyance and obstruction at the Goriyapalayam shop.

On the 10th the Puttutope toddy shop were surrounded by volunteers who forcibly restrained certain customers from entering the shop and used abusive language towards them. .. ..

On the evening of the 11th, there was some altercation between the Teppakulam toddy shop drawers and the volunteers. ..

About midnight the N.C.O., volunteers in large numbers paraded the streets of the Town and tom-tomed the fact of the alleged stone throwing and announced that they were going to adopt more vigorous measures in their campaign. .. about 12.15.p.m. to find the Kosavapalayam toddyshop was in flames.

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.. .. At 12-30 p.m. the house in Sandaipattai of Chinniah Nadar, the renter of the Kosavapalayam and other shops was attacked by a band of people shouting Gandhi-ki-Jai etc., one of his verandah posts was pulled down and removed, the tiles were stripped from the roof, an attempt was made to break in his door and nine municipal lanterns in the vicinity were smashed. Chinniah Nadar and two of his sons alleged that they identified through the windows six of the assailants as N.C.O. volunteers but conditions as regards light were unfavourable for identification.

.. .. There is evidence that throughout, the object of the N.C.O.'s was in fact to swell their funds by exactions from the liquor and toddy shop renters, and Chinniah Nadar whose shop was burned and whose house was attacked states, that he was approached with this object but declined resolutely to pay anything.

The incidents of the 11th night made it quite clear that the police could not safely refrain further definite action and the picketting of toddy and liquor shops in the Madura Town could not be allowed to continue without grave danger of further disturbance of the Public tranquility.

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SECRET.

Advance copy of a paragaaph off Madras Police Abstract, No.27, dated 21st July 1923.

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KHILAFAT AND NON-CO-OPERATION.

.. ..

Arrangements for the prompt arrest of picketters have been working well and in effect picketting has been stopped in the town.

.. .. .. As far as the continuance of the picketter's programme is concerned the supply of local volunteers is coming to an end and arrivals from outside have ceased. The local Congress Committee yesterday on the motion of the President, A. Vythanatha Ayyar (paragraph) discussed the abandonment of picketting, virtually on the ground that they have come to an end, of their resources and to day a decision to suspend activities has been come to.

.. .. ..

On the night of the 15th a heap of straw near the Goripalayam toddy shop was set fire to and burned by persons unknon.

.. ..

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STRICTLY CONFIDENTIAL.

From the Special Branch, Criminal Investigation Department,

Dated 21st July 1923.

.. ..

The only fresh incident of violence by the volunteers is the case of a weaver a customer of the Goripalayam shop who was beaten by N.C.O. Volunteers on 16-7-23.

The Deputy Magistrate Head-quarters Divisoon pronounced judgment in the case of the first batch of volunteers arrested on 16-7-23. .. .. .. All the 42 accused were ordered to furnish security for keeping the peace for one year. Two of these furnished the required security and were released. The remaining 40 accused were sentenced to a year's simple imprisonment in default of security. .. ..

There is a reliable information that the local Congress Committee is hard put to it for money and is not in a position to feed their own A. class volunteers who have not been arrested. The remaining local volunteers moreover are not now attempting to picket and some outside volunteers have been refused meals or support in picketting and have returned to their homes. Outside volunteers recently arrested state that they were refused meals by the local Congress people and were told that they would be fed in jail. .. .. In these circumstances orders to obtain warrants and arrest picketters have been temporarily suspended on the appearance of the whole movement having collapsed.

.. ..

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STRICTLY CONFIDENTIAL.

From the Special Branch, Criminal Investigation Department,

Dated 24th July 1923.

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.. ..

A man was taking toddy to the Goripalayam shop and was set out passing through the Pattaraikara street, ill-treated, and made to swear that he would not take toddy through the street again Later two customers of the Puttutope toddy shop were attacked and assaulted by some people of the same street.

.. ..

STRICTLY CONFIDENTIAL.

From the Special Branch, Criminal Investigation Department.

Dated 28th July 1923.

.. .. ..

At a meeting held on 27-7-1923, C. Rajagopalachariar said that the picketting campaign should be abandoned.

.. .. ..

The Deputy Magistrate Headquarters Division on this day delivered judgment in the case of the second batch of picketters put up under 107, Cr.P.C. Of the 37 accused two had been

discharged on 21-7-23 on giving an undertaking that they would behave themselves in future. The remaining thirty-five accused were ordered to furnish security and on their declining to do so were sentenced to a year's simple imprisonment.

* * *

The Tamil Nadu Congress Committee at a meeting at Trichinopoly on 24-7-23, decided to stop picketting in Madura. This decision has been communicated here and the campaign has therefore come to an end.

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Confidential.

Fort St. George,

12th October 1923.

My dear Mr. Lloyd,

You are aware that recently during the recrudescence of the Non-co-operation Movement in Madura, a number of persons attempted what they called 'peaceful picketting'. It is within our knowledge that many of these picketters were merely hirelings who adopted this variety of politics as a profession more paying than their normal avocations. There are also some others who apparently were longing for an opportunity to make martyrs of themselves.

We have been further made aware that what was stated as "non-violent non-co-operation" degenerated into horseplay in some cases and violent physical demonstrations in others with the result that a large number of men have, undoubtedly deservedly, been locked up.

Now, it seems to me that it will be a good stroke of political policy, after the real ~~thouh~~ though unavowed collapse of the non-co-operation movement at Delhi and in view to the actions now imminent, if these men were released provided of course, that in the language of section 124- of the Code of Criminal Procedure, the District Magistrate is of opinion that these persons may be released without hazard to the community or to any other person. Orders under section 144 are of course, in force only for two mon-

months and nothing need be done in the case of persons directed to do or abstain from saying anything under that section.

Will you please, in the light of the above remarks call for a report from the District Magistrate embodying his views on this subject?

Yours sincerely,

(Sd.)C.P.Ramaswami Aiyar.

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Confidential.

Madura Collector's Office,

Dated the 19th October 1923.

My dear Tottenham,

Madura Picketters -- Your D.O. No.397 S. dated October 13th.

--oOo--

I do not consider that these persons can be released without hazard to the community.

2. Though the Town and the District are quiet at present, it is by no means certain that they will remain so if this large batch of persons, who stirred up trouble in the past and who have persistently refused to give a guarantee that they will abstain from doing so in the future, are released. If they give that guarantee in the form of sureties, which there is no reason to believ they are unable to provide, they will of course be released at once and I have no desire to raise unnecessary difficulties in the matter of accepting their sureties.

3. .. .. .. The Nagpur Settlement has been generally interpreted here as an important victory for the non-co-operators over Government. If the Madura Picketters are now released, there will undoubted be boasts that Government are climbing down all round and a close observation of public opinion here and during my tours in the District leaves no doubt in my mind that this will generall be believed. Though I have no fear that the resolution of the Nilakottai Taluk Conference will lead to anything under present conditions, it is a significant indication of the trend of Non-co-operation thought. If the picketters are released, I think it is quite possible that picketting will be immediately restarted

4. Cunningham, whom I have consulted, considers that their release would be a catastrophe.

Yours sincerely,

(Sd.)B. RUSSEL.

Confidential.

Fort St. George,
Madras, 27th Febraury '24.

Dear Mr. Goucnham, Couchman

I have had a long discussion with His Excellency to-day about the whole question of prisoners confined for offences connected with the N.C.O. movement and especially with picketting. His Excellency and myself are agreed that now that Mr. Gandhi has been released and persons like Shaukat Ali and Muhammad Ali and Hussain Ahmad are being left alone in spite of their dangerous and provocative speeches it is neither expedient nor politically wise to keep in prison little boys who are led astray by the dangrous teachings of men who themselves escape scot-free. In these circumstances I have come the tentative conclusion, subject to what His Excellency after further reflection might say, that we should at once release the young men imprisoned in the Madurai picketing cases unless the District Magistrate strongly objects to such a procedure (vide section 124-Cr.P.C.)

Will you please circulate this letter to His Excellency the Governor and if he approves address the District Magistrate accordingly? The D.M. may be asked if he proposes any conditions such as are referred to in section 124 (3). One such condition may be that they do not take part in the picketting movement.

I am,
Yours sincerely,

(Sd.) C.P. Ramaswamy Iyer.

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Strictly confidential.

Madura Collector's Office,

(camp) Kodaikanal,

22nd April 1924.

My Dear Gawne,

Madurai picketters-_Tottenham's D.O.s.97,239

Before committing myself to an opinion regarding the release of all or any of these picketters, I wanted to consult as many as possible of the officers who dealt directly with the occurrence in question. I have Consulted Russell, Cunningham and Karpagavinayagam Pillai. The opinion of all the officers is unanious. .. .. With all respect for those who may think otherwise I would submit that it is thoroughly unsound to release persons of this description who have been sent to jail under the Security sections because they declined and still decline to give the security required. It certainly cannot be inferred from their present conduct that on release from jail they will abstain from repetition of their previous action.
It cannot be said that non-co-operation activities are dormant in the Madura District at present. On the contrary in portions of the District there seems to have been a recrudescence of activity - particularly in the Cumbum valley.

3. The Government will realise from the above that the personal view of the local official to whose discretion this matter is said to have been left - (i.e., myself) is strongly against the release of any of the picketters. The whole of the District staff and of those persons who were personally acquainted with the occurences of last year support my view. * * *
If Government decide to release the accused I would strongly urge that as in the case of persons released previously in connection with similar violations of the law in Madura an expression of regret and a promise to abstain from such action in future be a condition precedent to the release. Government will remember the healthy effect which was produced by requiring -- and obtaining -- a public expression of regret given in the place where the trial took place in the case of persons convicted at Melur some two years ago.

G.O. No.146 Secret dated 2-5-24.

Madura Picketers - Resease on conditions.

The Government are pleased to order the release of the following persons who have been imprisoned for failure to find security under Sec.107 C.P.C. provided that each person before release is prepared to make and sign before a magistrate in open court and does so make and sign a statement expressing regret for his action which led to his having been called upon to give security and promising to abstain from a repetition of such conduct in the future.

Madura Collector's Office,

20th June 1924.

My Dear Gawne,

Madurai Picketting--Picketters--Release on conditions -- G.O.No.146 Secret dated 2-5-24 -- Your D.O.180 Secret dated 17th June 1924.

The conditions prescribed in the G.O. referred to above were communicated to the picketters referred to in the G.O. None of the men accepted the conditions. Therefore none have been released.

History of the non-cooperation movement in the Madras Presidency

SELECTED EXTRACTS FROM SECRET FILES RELATING TO POLITICAL ACTIVITIES IN MADRAS PRESIDENCY.

(Secret File No.295-A dated 4-2-1920 - America - Anti-British Propaganda - Counterpropaganda - Use of Use of American Missionaries - Serial No. 123.)

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D.O. No.2554

Government of India
Home Department (P o l i t i c a l)
Delhi, the 6th December 1919.

CONFIDENTIAL.

Dear Sir,

I am desired to forward for information a copy of the letters noted on the margin and to suggest for the consideration of His Excellency the Governor in Council, the desirability of following the example of the Government of Bombay in the matter of counteracting the strong anti-British propaganda in the United States.

1. Letter from the Government of Bombay No.S.D.1331,dated the 5th November 1919.
2. Letter to the Government of Bombay No. , dated the

Yours sincerely,

(Sd.) C.W. GWYINE.

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Confidential.

Judicial Department.
Poona, 5th November 1919.

No.S.D.-1331.

My dear Dobbs,

His Excellency Sir George Lloyd has been much impressed by information which has reached him from various quarters, which is amply corroborated by the Director of Central Intellingence's reports, of the extent and virulence of the anti-British Propaganda in the United States. Malicious and distorted versions of events in India and of the actions and policy of Government are quoted even in papers of some repute and, unless steps are taken to counteract them, the effects on American public opinion can hardly fail to be serious.

His Excellency considers that one measure which might be adopted with some success would be to provide the British

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Embassy at Washington with authorised facts and figures throwing a true light on the Indian Administration. An example of such information is the enclosed Press note on Famine work in this Presidency.

I am to enquire whether the Government of India would entertain any objection to this and similar matter being communicated to the Embassy by the Bombay Government for the purpose above indicated.

Yours sincerely,

Sd/. Crerar.J.

The Hon'ble Mr.H.R.C.Dobbs, C.S.I.,C.I.E.,
Foreign Secretary to the Government of India,
Foreign and Political Department.

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D.O.No.2553,

Government of India,
Home Department (Political)
Delhi, the 6th December 1919.

Dear Crerar.

In reply to your letter No.S.D.1331, dated the 5th November 1919, to Dobbs, I am desired to say that the Government of India welcome the suggestion of His Excellency the Governor to communicate the Press Note, forwarded therewith and other similar matter to the ~~Bombay~~ British Embassy at Washington for publication, with a view to counteracting the strong anti-British propaganda in America. I am to say that the Government of India fully appreciate the dangers to the Indian administrations arising out of the malignant campaign of calumny and misrepresentations of their policy in a certain section of the American Press, and have the general question under close consideration. As a preliminary measure the Secretary of State has been asked to engage the Services of a competent American Journalist who should spend 3 months in India in order to advise us, after becoming acquainted with local conditions as to the best ~~xx~~ methods of in~~x~~itiating measures for counter-propaganda in the United States.

Yours

Sd/-. C.W.GWYNNE.

It is the anti-British Propaganda in America that it is desired to combat and that there is plenty of it we know for certain. The American journalist will know better how to set about things than Mr. Gwynn. If anything is to be done now, I would suggest that the best thing would be to get one or two sensible American Missionaries -- There are a few, I think -- to write to the American newspapers.

R.A. GRAHAM).
15-12-1919.

To
Mr. Gwynne.
Resubmitted.

I should very much like an opportunity of talking over the matter with an American Journalist. Meantime here are some remarks.

No doubt the American missionaries and the American Y.M.C.A organisers would be the best and most convincing witnesses that the British Raj can call in its defence. I think collectors might be asked to suggest terms of them that they should consider whether it is not their duty to come forward and give evidence by writing the facts to American papers. I attach a copy of a reply which I sent to him (after consulting Mr. Machpharl). The letter shows the lines which counter-propaganda should in my opinion follow.

I do not think Government publications or statements or statistics are likely to have much effect. Judging from the few American papers I have had read I should say that the American has learnt to regard the veracity of foreign Governments with some suspicion. German Russian Polish Roumanion etc., Governments have all been trying to get him to swallow rather doubtful statements in the last few years and he may not have the good taste to discriminate in favour of the Indian Government.

Next to the evidence of his fellow country man the evidence most likely to carry weight with him is the admissions prominent Indians. It might be practicable to bring these before him in the following manner.

Suppose there is in the Washington Embassy an intelligent man with plenty of time for the jub, a good knowledge of the American Press, and a little knowledge of India or failing that some imagination. Some Officer in this Presidency (and mother ports of India) would be deputed to write him monthly a letter giving him a general idea of the position of affairs of Indian politics and politicians and of the Indian Press enclosing cuttings from the Indian Press showing the real attitude of the different classes of Indian Politicians and other towards the British Raj how far they supported it how far they opposed it and how far they had a share in directing its policy.

In this way the officer at Washington would be put into a position to give the ~~superior~~ soberer portion of the American Press a just idea of the real state of affairs in India. Many of Mr. Gandhis utterances would be much more telling evidence on behalf of the British Raj than any official statement.

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H.E.

Mr. Gwynn's letter to Dr.Downie is excellent (and I hope it has been taken in good part) I should like to see him approach other American missionaries on similar lines. I am in touch with the Y.M.C.A. and will see how far they can help, but Mr. Gwynn might approach them too. As regards the sending of official paper to Washington, the Government of India have not definitely accepted the suggestion to this effect, but seem to have postponed a decision till the American Journalists has come here to advise. I ~~dont~~ doubt if the suggestion would not carry us very far. It would place the Embassy in a position to ~~Gir tried it~~ contradict a few particular islanders, if occasion arise, but I am not sure that our Embasies can properly do much in the way of active propaganda, or that they are likely to have any one really competent to digest and make use of such press notes as ~~in~~ it could send. Mr. Gwynn's proposal of periodical letter seems to me more attractive, provided that the Embassy will consent to deal with it, but this matter must I think avail the council of our journalist.

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I would reply to the Government of India briefly atating Mr. Gwynn's attitude and the action that is being taken in the matter of using the American missionaires (of whom we have many) and I would particularly ask that the journalist when he arrives should visit Madras.

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Continued

D.O.5629-2 dated 4--2--1920.

Mydear McPherson,

Anti-British Propaganda in the U.S.A. - Proposals for counteracting -- Gwynne's D.O. No.1554, d.6/12/19.

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I am to say that this matter has already engaged the attention of this Government and I am to enclose for the information of the Government of India a copy of some correspondence between the Rev. Dr. Downie, a well-known American Missionary working in this Presidency and our own Publicity Officer. This Government are i n-clined to think that this indicates the best line that counter-propaganda in the U.S.A. can take.

It is noted that the Government of India have not as yet de-finitely accepted the suggestion of the Bombay Government for the sending of official papers to the British Embassy at Washington but appear to have postponed a decision till after the arrival of the American journalist who is expected in India. This Government doubt if the suggestion of the Bombay Government would carry matter very far. Although it might place the Embassy in a position to contradict a few particular slanders, it seems doubtful if an Embassy can really do much in the way of active propaganda or if it is likely to have anyone really competent to digest and make use of such press notes as may be sent.

I am gix to add that in the opinion of this Government American Missionaries and Y.M.C.A. workers are the best and most convincing witnesses that could be called in to defend the British administration in India. A great advantage would be that their statements would not be so liable to a suspicion of partiality as propaganda emanating from a purely British sources. Our Publicity Officer is therefore being instructed to approach some of them with this in view if he finds that his letter to Dr. Downie has been taken in good part.

I am particularly to request that the American journalist may on arrival be asked to visit ~~to~~ Madras.

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From the Reverend Doctor Dounie, Ongole.

To

J.T.Gwynn Esq., I.C.S., Publicity Officer, Madras,

dated the 5th January 1920.

Mr. Duff tells me that he has turned over to you a letter I wrote to Government forwarding a little paper published in New York and full of what the Cockney would call "Hun truths" If you think it would be worth while paying any attention to it, I would be glad if you would furnish such data as to make an effective refutation. I have just returned from the States and I am convinced that this propaganda is doing a lot of harm.

I also need the data for a history of "British Rule in India" which I am going to write.

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PUBLICITY BUREAU

R.O.C.No.947

Victoria Buildings,
Commander-in-Chief Road,
Egmore, Madras,
16th January 1920.

Dear Dr. Downie,

Thanks for your letter of the 5th January 1920. I have received from Mr. Duff the letter you refer to with its enclosure and I have been thinking over it. I should very much like to discuss with you on the subject if you are passing through Madras. I give you here an outline of my views but I should like the opportunity of hearing yours. No doubt as you say this propaganda has been doing a good deal of harm especially at a time Great Britain appears to be pretty unpopular in America for other reasons. But I doubt whether much is gained by publishing direct replies to such pamphlets as you have enclosed. I take it that a sensible American would not be much impressed by such a pamphlet. On the other hand those who are not accustomed to think for themselves would probably not have the patience to read a reasoned reply. Such people like sensational reading and are not likely to trouble about facts and figures.

I do think however that it is very important for us that the reasoning part of the American public should have just idea of the real position of affairs in India. It is difficult for us - Britishers - to do anything towards this end. Anything which we may write to the American papers would be looked upon as a deliberate propaganda and we might be suspected of falsifying the facts and figures. Our best policy, it seems to me is to appeal to impartial witnesses with good local knowledge: and I think we can fairly claim that the American missions and the American Y. M. C. A. organisation are well qualified witnesses. I think we can even fairly ask these witnesses to come forward and let their country men hear their view of the facts as they see them. So I am exceedingly glad to hear that you propose to do some thing of the kind and I shall be very glad to give you all the assistance that I can to get any information you require. To collect data for a history of British rule in India is a pretty big undertaking but I will try and put you on to the most useful books and documents that I can think of. You will hear from me again about this.

3. I have no doubt that a history of British Rule in India written by a man in your position would have a considerable effect in informing public opinion in America.

4. But I am inclined to think that you and other people in your position could do even more by writing to American papers and giving them a view of India as you see it to-day from different aspects. You could, I think, show how little India suffered from the war compared with other parts of the empire. You would, I think, probably agree that, though the country is undoubtedly still very poor and though the standard of living in it is still very low, yet even within the memory of those who have spent 10 years in the country, there has been a very appreciable increase in wealth and very appreciable rise in the standard of living. You have seen the Railway systems, and you can judge of their usefulness to the country by the difficulties which arose when Railway service had to be curtailed owing to war conditions. You have, I suppose,

seen some of the great new irrigation systems, the Kistna and Godavari anicuts which were built about 1860, and the Periyar dam built within the last 30 years. You have probably seen some of the other minor irrigation works such as the Nagavali dam which have been more recently opened. You could give your countrymen, I think, a fair idea of Government's activities and Government's general attitude and intention. You know the life of the ordinary British Official and his outlook his interests and his ambitions, and you are in a position to show both his strong and his weak points. Similarly you know the educated Indian and his outlook and his ambitions and again you know the masses and their view of life. It would, I think, be easy to show how far the aims and interests of these three different classes coincide and where they clash and how it is only natural that a good deal of heat should be generated even though the intentions of all three classes may be honorable. Lastly You can show how firm is the footing which the Reforms Act gives Indians in the Government of the country. You see that the Act provides machinery to facilitate the grant of a further share in the Government to Indians, and that the Indians will in a few years time be in a position to obtain a still further increase in the power granted to them. You will probably agree that this process is likely to continue at a constantly accelerated pace till India has attained the status of a dominion or in other words independence limited only by consent. You can judge whether the Joint Committee of the British Parliament which had before it the most experienced of Indian Officials and politicians did not recognise the full effect of the Act which it framed.

5. Another point of view which I should like to see presented to your American fellow countrymen is this; Look at India and compare the present position of her population with that of the population of other eastern countries which, like her, have an ancient civilisation but, unlike her, have succeeded in remaining outside the control of any western power. Compare the condition of India today with the condition of China or of Persia

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as it was before the war: or with the condition of the component parts of the Turkish Empire. Or even compare the condition of India to-day with the condition of Mexico. Possibly if an Indian were translated to-day to Mexico, he might see less reason to regret that his own country has been for a hundred and odd years under the British Raj.

6. There is still one other point which I would like to press upon the average American who may chance to see the stuff like the pamphlet you enclosed. Has he ever considered how easy it is to frame an indictment of this sort against any Government or any class, given that the audience which is to hear the indictment is entirely without local knowledge and not sufficiently interested to take much trouble in studying the evidence on which it is based? The receipt for framing such an indictment in quite simple. Take all the striking misfortunes, all the striking blunders, all the striking reports on the weak points of the administration during the last 30 years or so. Throw the entire blame for all these boldly on the Government. Take the economic, the physical and moral weaknesses of the country and throw the blame of these too on the Government. Assume the innocence of all the men whom the Government has prosecuted, and the guilt of all the men whom the Government has defended and use this assumption as conclusive proof of the injustice of the Government. Extract from the Newspapers or official reports say thing that suggests a blunder or crime. Suppress entirely every reference to good work, to reforms, to prosperity, to contentment. Let us see what kind of indictment could be drawn up against the Government of America by the use of this receipt. I see that the papers report that the United States the other day seized a batch of no less than 4,500 radicals and deported half of these. Now suppose that one of those radicals fled to India and there set himself to compose a pamphlet on the wickedness of the American Government. He would begin by asserting that the American Government has all along been a tool in the hands of the Americal capitalist. He would say that the American

capitalist made and unmade elections appointed judges, dictated to them the judgments they should pronounce. He would say that the American courts under the directions of their capitalists had refused the American labourer the right ~~xx~~ to strike for a fair wage and fair terms of employment. He would say that the Police fired ruthlessly on the strikers. He could say that the capitalists contrived to rule labour by dividing it, paying to the skilled men to rule labour by dividing it, paying to the skilled men a good wage, so that they would not interfere the exploitation of the luckless unskilled labourer, helpless Italians and Armenians, Czechs and Slavs, newly arrived from Europe to be enslaved in the slums of great American cities. He will talk of those great patriots, and humanitarians the leaders of I.W.W. relentlessly persecuted by tyranical police force. He will talk of the denial of the political and social rights to the Negroes in defiance of the written maxims of the constitution. He will quote Newspapers and official documents to show how innocent Negroes are shot down, lynched or burnt aline without trial. He will show how the crowds who are guilty of these crimes escape unpunished. He will quote other official documents to show how the Municipal Government of American towns is a mass of corruption and how the American Police are no better than blackmailers. He will show how the great trusts, not content with sweating their labour, extorting monopoly prices from their customers, and ruining humble competitors, proceed to sell canned poison to Europe in place of meat. He would show how American millionaires who control the Government carry on their financial operations without regard either to humanity or to honesty. He will throw in a few sensational cuttings from American Newspapers to show that American towns are the most immoral and the most unsafe in the world, he would assert that the bst American society has reduced the marriage law to a farce. He will then explain how the American capitalist has prohibited the use of alchohol by his labourers, hoping thereby to get more work and greater profit out of them. While he himself has stocked his own cellar with alchohol

enough to last him for a century. He might end by showing how the American capitalist kept out of the war for two years and extorted money impartially out of all nations of the world. He would explain that at last the capitalist became afraid that Germany was about to win a decisive victory and thereby to be in a position to rival America in power. It was only then, he will say that the American Government decided to throw America's weight into the other side of the scale, so that she might have no rival in Europe. Lastly he would show how, to make quite sure that no European power should regain strength to challenge her position, the American Government refused to ratify the Peace Treaty and enter the League of Nations, thus keeping the whole of Europe distracted and weakened by fears. By a few lectures of this sort, our radical friend could easily persuade an Indian audience that the American Government was a monster of wickedness. Yet this gross misrepresentation of America would not be much farther from the truth than the picture which our friends of the Gadar party draw of India for the benefit of the American public. Now I think you will feel that, if America was thus slandered before an Indian audience, the slander could most effectively be refuted not by direct contradictions and arguments but by getting Indians who were living or had lived in America to give their own account of the normal life of the country and the normal activities of its Government. Things would thus appear in their proper proportion. Similarly, I think, Americans living in India can best meet the slanders that are published in America not by entering into controversy but by giving their view of the country as they have seen and known it.

I think all Britishers should be extremely grateful to you if you would impress on your fellow countrymen in this country that it is their duty to let their fellow countrymen know what are the facts regarding the present position of India.

Yours sincerely,

(Sd.) J.T. GWYNN,
Publicity Officer.

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History of the Non-Cooperation movement in the Mad...

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SELECTED EXTRACTS FROM SECRET FILES RELATING TO POLITICAL ACTIVITIES IN THE MADRAS PRESIDENCY.:

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Secret File No. 301, dated 7-5-1920 - Political amnesty including Press Act Securities. Serial No.125).

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From the Government of India Home Department No.1545. d. 4th December.

Clear the Line.

The Secretary of State proposes that the passing of the Government of India Bill should be marked by an act of Royal Clemency to political prisoners and by the removal of all restraints now imposed under the Press Act, the Defence of India Act, the Seditious Meetings Act, Regulation 3 and other similar enactments and ordinances. The intention is that whatever exceptions are made should be as a few as possible. The power of the Government under the legislation should remain unaffected for use in cases of necessity. By the term "Other similar enactments and ordinances" the Government of India understand the Ingress into India Ordinance, Madras Regulation 2 of 1819and Bombay Regulation of 1827 but not the Foriegners Act on our Foreign Officr Ordinance

Will you please inform the Government of India immediately of your views as the matter is very urgent and we have promised a reply to the Sec. of State by the 9th.

The hope underlying the suggested policy is that the frank manifestation of clemency and trust may disarm hostility and promote the success of the Reforms. The Government of India feel sure that the local Governments will give due weight to such considerations and at the same time take due account of the danger of disorder.

By the term "political prisoners" the Government of India understand (1) persons convicted under sec.121 A, 124 A., 153 and cognate sections of the Penal Code, also persons bound over or in jail under sec. 108 of the Procedure Code possibly also some persons convicted under sec.121 of the Penal Code especially those sentenced in the year that is past who can safely now be released (2) persons detained under the old regulations or restr

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ct/ed under the Defence of India Rules of the Ingress into India Ordinance.

2. Exceptions would presumably be made in the case of convicted persons including those who had participated in or directly instigated specific crimes of violence; and in the case of detenus those known to have taken an actual part in such offences and known to be still unrepentent.

3. Cases of prisoners deported from British India will have to be considered in some provinces but any difficulty arising in some provinces but any difficulty arising in these cases may be met by an enforcement of the Passport Regulations.

4. It will also probably be necessary to consider separately the cases of prisoners under confinement by each Local Govt.

5. The question whether the act of clemency should be limited to a remission of prison or should include a free pardon will also arise in the case of convicted prisoners but any act of clemency on the part of His Majesty should probably take the form of a free pardon.

6. The Government of India desire to have information as well as to the probable number of persons affected in each province including persons under sentences that are still unexpired even though they were convicted long ago. Replies however on the general proposals should not be delayed for these figures which should follow as soon as possible.

7. Remissions under the Press Act would presumably entail the cancellation of all existing securities though not the refund of securities already forfeited.

The Government of India in any case do not think that it should extend to the cancellation of orders of proscription and forfeiture of particular publications.

8. Remissions under the Defence of India Rules be sides the release of detenus would involve the relaxation of orders of externment or orders to desist from speaking , writing etc., also the orders prohibiting the entry of newspapers, precensorship etc

9. Information before the Government of India shows that

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the Seditious Meetings Act is not in force in any province except Delhi.

The Government of India are at present disposed to regard the proposal favourably subject to specific limitations and would like to recommend that any action taken is expressly mentioned in the Proclamation as taken with the approval and concurrence of the Government of India and the Local Governments.

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Draft telegram to the Government of India.

Your telegram No.1545 of the 4th -- General Amnesty. Madras Government generally approve but all persons not considered dangerous were released here in July. There remain Arjun Lal Sethi and Darsi Chenchiah interned under the orders of the Government of India whole Arabindo Ghose and V.V.Subramania Ayyar are fugitives in Pondicherry and under present orders would be dealt with inder the Ingress in to India Ordinance if they attempted to enter British India. The Madras Government presume that the orders are not meant to apply to persons whose offences were not political such as Mappillas, Agency detenus and Chitralis. To give full effect, which we wish to the proposals regarding newspapers a suspension of the provisions of section 5 of the Press Act would appear to be necessary.

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V.V. Subrahmanya Aiyar who, with Arabindo is now a fugitive in Pondicherry. There are considerable objections to letting loose either of these individuals on India. There is no warrant out against Subrahmanya Aiyar. He is believed to have been concerned in the Jackson murder and is regarded as both unrepentant and dangerous. He has been in Pondicherry for some years and the present orders are that if he attempts to enter British India, he should be dealt with under the Ingress into India Ordinance. No undertaking from him would be of any value. Incidentally we cannot ask for an undertaking from any one to refrain from politics but only to refrain from action subversive of authority.

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STRICTLY CONFIDENTIAL.

Malabar Collectors Office,
Calicut. Dec. 10th 19.

My dear Graham,

* * *

I submit that Moplas deported under the Mopla Act cannot and should not be regarded as political prisoners. ** ** ** They are in fact murderers or abettors of murder who have escaped transportation or the gallows for want of evidence, or else their connection with the outbreak for which they were deported was so close that their deportation was considered necessary to prevent their becoming the focus of a fresh outbreak.

* * *

As regards the more recent deportees I must protest as strongly as I can against any amnesty which would allow of their return. A m/ere rumour that they were coming would cause panic amongst the Hindus resident in or adjacent to the comparatively small outbreak area. All within a 12 mile radius of Pandalur Hill. Panic is rather apt to beget outbreaks. The detenus have as Hitchcock remarks no property, they would be despised by their own people for not going through with the work they had set their hands to and for them also the only career would be the martyr's death.

I am no alarmist, but I must warn Government that if these detenus are released the peace of the district will be most seriously menaced and the danger of an outbreak in the immediate future very much enhanced.

If an outbreak occurs, it will be stamped out, I hope as swiftly as the last one, but the property and the lives of innocent Hindus will have paid for a useless act of indulgence to a quite ~~undersivi~~ undeserving class.

I have no doubt that what I have said above would be endorsed by all Malabar Officers.

Yours sincerely,

(Sd.) E.F.THOMAS

Confidential No. 5 August 1920

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Station -- Vizagapatam dated the 17th January 1920.

From S.W.G.I. M a c I v e r Esq., I.C.S.,

Agent to the Governor, Vizagapatam.

To

The Chief Secretary to Government,

Madras.

Sir,

** ** **

2. The following are the persons detained under the Agency rules in this District:-

i. Kimudu Bodem Naidu of Vantarba, Padwa Taluk.

ii. Neelakanta Naiko. ⁞
iii. Kesabo Naiko ⁞ of Podaguda, Koraput Taluk.
iv. Kodo Naiko. ⁞

v. Manumulur Kanna Patrudu of Minumulur, Golugonda Agency

vi. " Lakshmana Patrudu of " -do-

vii. Mottadam Veerayya Dhora of Gudem Kottavidhi, Golugonda Agency.

viii. Teggi China Veerayya Dhora. ⁞ of Gudem Muttadar's
ix. " Peda Veerayya's descendants ⁞ family.

Prisoner No.1. was the Pattadar of Vantarba in the Kimudupalli muttah. He was deported to chodavaram in September 1918 for giving trouble in the matter of payment of cist to the muttadar. ** ** **

Prisoners Nos.2,3 and 4 were deported from the Agency tracts with the previous approval of Government in December 1914 for disseminating pro-German war rumours and they were permitted to reside at Bimilipatam under Police surveillance. ** ** **

Prisoners Nos.5 and 6 are brothers and they belong to the Mattadar's family of Minumulur. They were deported in 1917 for having interfered with the muttah affairs and for having given trouble in the muttah and have been detained at Anakapali and Bimilipatam respectively. ** ** ** **

Prisoner No.7 was the late muttadar of Gudem Kottavidhi ~~Kottavidhi~~. In ~~9~~ 1914 and 1915, a gang of dacoits known as the Lagarai gang committed a large number of dacoities and several murders and this deportee not only failed to render any assistance to the Special Police Officer but also gave him false information with regard to the movements of the gang. ** ** ** **

Nos.8 and 9. In G.O. No.2147 Judicial dated 3-9-1880 Taggi Veerayya Dhora and his brother China Veerayya Dhora of the Gudem Muttadar's family were proclaimed rebels for having taken an active part in the Rampa rebellion of 1880. ** ** ** **

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Clear Line Telegram from the Government of India Home (Pol) Dept. No.2602, d.16th Dec.1919.

In continuation of the telegraphic correspondence about the declaration of a general amnesty.

We have communicated the opinions of the local Governments to the Secretary of State and have recommended the declaration of Royal clemency in the fullest measure to all persons suffering imprisonment or restrictions upon their liberty for offences against the State under any special or emergency legislation we have not actively promoted or participated in serious crimes of violence and whose release will not endanger the public safety It is highly desirable that action should be taken with the least possible delay after the announcement of the Royal message. Please therefore prepare (?) final orders, considering the application of the recommendations made above to individuals and submit as early as possible lists of persons in the various categories who will be (a) benefited by the act of clemancy and (b) excluded from its benefits with a short statement of the reasons in the latter class of cases.

As regards the Press Act the Government of India agree with the local Governments that any general cancellation of securities must be regarded as impossible. It has been suggested by one local Government that cancellation should be allowed in cases

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where the security has never been cancelled or enhanced. The Government of India would like to know if you consider that any action in this direction is either feasible or wise. If so, please submit lists of papers to which this indulgence might be extended.

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Telegram to Government of India.

Your clear line telegram Home Pol. No.2602 dated the 16th Please see this Govern telegram No. dated 8th. Madras Government do not propose to make any recommendations about Mappillas or Agency detenus Request instructions from Government of India with regard to Arjun Lal Seti, Darsi Chenchiah, Arabindo Ghose and V.V.Subrahmanya Aiyar, With regard to Press Government of Madras are still ready to give full effect to proposals but think it particularly desirable that power should be taken to deal with question as a whole. It would be a mistake to restrict clemency only to papers which have not forfeited security since others like New India may have changed their tone.

R.A.G.

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The following is the substance of a telegram received today from the Government of India Home-Political:-

"Your telegram of 8th December No.385 S. Amnesty . Darisi Chenchayya may be released. No action need be taken against Arabindo Ghosh or Subrahmanya Ayyar should they leave French territory. Orders on the subject of Arjun Lal Seti will issue shortly.

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S E C R E T

The following is the revised list of the Anarchists, Political suspects of Pondicherry, and their associates issued in supersession of the list, dated 21st October 1916:-

Class "A".

(These persons should be closely watched in Pondicherry and in the event of their entering British India, an express wire or a special messenger sent to the Personal Assistant to the District Superintendent of Police, South Arcot, to arrest them under the Ingress into India Ordinance and to produce them before the District Magistrate, South Arcot. Should any of them leave by train towards Madras, an express wire should be sent to the Commissioner of Police to arrest them.)

(1) V.V. SUBRAHMANYA AYYAR.

(2) S. SRINIVASA ACHARI

(3) S. NAGASWAMI AYYAR

(4) ARABINDA GHOSE.

Class "B"

(To be followed if they leave for British India and their movements to be closely watched; but no action need be taken against them unless they misconduct themselves in British India).

(5)Arumugam Chetti

(6) Tangavelu Pillai - Brother-in-law of No.(12).

(7) Muthialpet Krishnaswami Chetti.

(8) John alias Jules Rajendram.

(9) Joseph David.

Class "C"

(Except Nos.(13) and (16) who will be sent under escort to their destination the rest, if they leave for British India, should be sent under the usual surveillance and their movements reported).

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(10) Swaminatha Ayyar -- Brother of No.(14).

(11) Kanakarajan (French Subject) -- associate of Nos.(1) to (4).

(12) Kannu Pillai -do- -do-

(13) Suresh Chakravarti (Bengal)

(14) Subrahmanya Ayyar, teacher, Colonial College.

(15) Subbayya Sundaresa Ayyar.

Class "D"

(Suspects who reside out of Pondicherry but who are likely to go there. A watch should be kept for them).

(17) Venkateswara Ayyar alias Robert Venkateswara Ayyar (out of view)

(18) Bejoy Kumar Nag (In Bengal).

(19) C. Subrahmanya Bharati (in Kadayam, Tinnevelly district)

(20) Ramaswami Ayyar alias Narayanaswami Ayyar alias Ramaswami Ayyangar -- associate of Nos.(1) to (4).

(21) Varadarajan alias K.Parthasarathi Ayyangar -- was cook to No.(2).

(22) Guruswami Nayudu.

(23) Balu Ayyar alias Balakrishna Ayyar (a political suspect to Tinnevelly District).

(24) Meenakshi Sundaram Pillai, an ex-karanam of Tinnevelly district.

(25) K.G.Pasupati Ayyar -- Cousin of No.(1) and a political agitator of Trichinopoly [illegible]strict now in Bangalore.

(26) K.R.Appadurai Ayyar, a political suspect of Tinnevelly district - brother-in-law of No.(19).

(27) G.S.Dikshit alias Guruswami Ayyar, a political suspect of Tinnevelly district(now in Bangalore).

(28) Jogendra Nath Pal (Bengali in Chandernagore).

(29) Amaladonay Mahapadhyaya (Bengali in Chandernagore).

(30) Bala Bharati Veeran of Yanam.

(31) S. Madaswami Pillai (whereabouts not known).

(32) S. Parthasarathi Ayyangar - Brother of No.(2). (In Madra[s] Can only visit Pondicherry with permission).

(33) Nalini Kanta Sarkar Gupta (Bengali in Nilphamari, Rangp[ur] Bengal).

(34) Surendra Nath Basu or Bose (Bengali in Meherpur, Jesso[re] Bengal).

(35) Soundararajan (in Cuddalore)

(36) C. Krishnaswamy Naicker (now in Madras)

(37) Poorna Chandra Pari[illegible] (Bengali in Chandernagore)

(38) M.P. Tirumalai Achari (out of India)

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STRICTLY CONFIDENTIAL.

From the Special Branch, Criminal Investigation Department,

Dated 12th Febraury 1920.

Reference my letter No.857/C dated 2nd December 1918 reporting on Subrahmanya Bharati, and Government's Order published in para 1501 of the S.B. Abstract.

All political suspects are now to be allowed to leave Pondicherry if they are so inclined without any particular restriction. In these circumstances I think the time has come for Government to consider whether the restrictions placed on S.Bharati cannot now be removed. I do not consider the man is now of sufficient importance to be worth particular notice. I have consulted the District Magistrate Tinnevelly who is of the same opinion.

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CONFIDENTIAL.

No.69.

From

The Hon'ble Mr.H.McPherson, C.S.I.
Secretary to the Government of India,

To

The Chief Secretary to the
Government of Madras.

Home Department.
Political

Delhi, the 9th January 1920.

Sir,

I am directed to address you on the subject of securities under the Press Act as effected by the terms of the Royal Proclamation of 23rd December last. This question has been the subject of considerable correspondence between the Secretary of State, the Government of India and local Governments, and the position which has now been reached is explained below.

2. The opinions of local Governments which were generally adverse to any wholesale cancellation of existing securities under the Press Act were reported to the Secretary of State, who, in deference to them and the opinion of the Government of India, refrained from making any specific reference to the Press Act

on any mention of the word 'Security' in the Royal Proclamation. He agreed to this course, however, on the distinct understanding that such omission left the question open and that the Government of India in consultation with local Governments would endeavour to go as far as compatible with the public safety in the direction of removing restraints and leaving the press unfettered. It is the desire of the Secretary of State to see how India will respond to a free press. He believes that if securities are removed and the Press asked for assistance and co-operation, considerable success will be attained at least for some time to come; if on the other hand, the indulgence now extended is abused, restrictions can be reimposed and the world will not then lay at the door of Government the failure of co-operation.

3. The Government of India have given their most anxious consideration to this very difficult question. They recognise that that it is exceedingly hard to find any via media between the alternatives of doing nothing and of cancelling all securities. One suggestion made in the course of the correspondence was that the concession be extended only to papers which had not in the past had their securities enhanced or forfeited. This did not find much favour, as papers change their tone and their past history is no sure index to their present condition. Another suggestion was that only minimum securities should be cancelled, but this also is open to objection, as the amount of a paper's security bears little relation to its political complexion.

4. The Government of India have next considered whether the matter should be left to the discretion of individual provinc They recognise the danger which attaches to absence of uniformity between provinces in the treatment of the question, for differenc of treatment is likely to give rise to invidious comparison and clamarous outcry on the part of individuals excluded from the con cession. They have, however, come to the conclusion that in view of the strongly expressed desire of the Secretary of State for outcome utmost possible indulgence to the Press and the danger differentiation must be faced and each local Government must

left to exercise its own discretion in the matter in conformity with the spirit of the Royal Proclamation . It may be found desirable to call together the managers and editors of the leading presses and papers in that province, explain to them the policy which it is proposed to pursue and invite their co-operation in making the experiment a success.

5. I am to request that the subject may now be considered in the light of the above remarks. The action taken should be as far-reaching as is compatible with the public safety, and should be reported at an early date for the information of the Secretary of State.

(Sd.) H.MacPherson.

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CONFIDENTIAL.

To the Chief Presidency Magistrate and all District Magistrates.

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His Excellency the Governor in Council is of opinion that, as a part of the general amnesty announced in His Majesty's Proclamation of the 24th December, 1919, the Securities deposited by keepers of Printing presses under Section 3 by Publishers of Newspapers under section 8 of Act 1 of 1910 should now be refunded. All District Magistrates and the Chief Presidency Magistrate are therefore requested, if they see no objection, to reconsider all orders now in force under those sections for the deposit of security.

His Excellency the Governor in Council does not desire to fetter the discrection of the Chief Presidency Magistrate and the District Magistrates to require the deposit of security hereafter should it appear that the keeper of a press or the publisher of a newspaper is publising objectionable matter.

E.G.
R.A.G. 4/2/20.

Press Communique.

It is announced for general information that as a part of the general amnesty insituted in His Majesty's Proclamation of the 24th December 1919, H.E.the Governor in Council has been pleased

to recommend to the Chief Presidency Magistrate and all District Magistrates a reconsideration of the orders requiring keepers of Presses and publishers of newspapers to deposit security under the provisions of sections 3 and 8 of Act 1 of 1910 (The Press Act),

E.G.

R.A.G. 4/2/20.

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Public Department.

Letter

To
The Secretary to the Government of India,
Home Department.

Sir,

Press Act - Cancellation of securities.

Your letter No.747, dated 19th March 20.

I am directed to report for the information of the Government of India the action taken by this Government in the matter of relaxing restrictions imposed under the Press Act.

2. In June 1919, His Excellency the Governor in Council took up for consideration the question whether it was not possible to inaugurate a new policy in the administration of the Press Act and relax the restrictions on the majority of the presses and papers from which security had been demanded. This change of policy was coincident with the formation of the Publicity Bureau the constitution of which has already been set out in Confidential letter No.357, Rev. Spl. (War), d.31/1/ 19, It was His Excellency hope that this would provide a means for the issue of correct information which would have the effect of sobering criticism. At the same time an enquiry was commenced in the Secretariat with the object of reviewing every order in existence against a press or paper in this Presidency and by the end of October it had been decided that in nearly all cases the orders might safely be withdrawn. The cases of the Hindu and the Swadesamitran however, were doubtful and no decision had been arrived at with regard to them, when the Government of India Clear Line Telegram No.1545 of the 4th December was received. In view of the declared policy of the

Secretary of States, His Excellency the Governor in Council decided, after careful deliberation, that so far as this Presidency was concerned, the cancellation of orders issued under the Press Act should be carried as far as possible. He was anxious moreover if the law allowed, not to exclude from the benefit of this decision the press at which the newspaper New India, was printed, in view of the marked change which had come over the tone of that paper and therefore deferred any general pronouncement pending discussion of the effects of the law in the case of a Press from which enhanced security had been demanded under section 5 of the Act. The discussion is contained in this Government's telegrame to the Government of India No.315-S of 8th December, No.322-S of 16th December and No.13-S of 16th January, and in the Government of India Telegrams Nos.2602, dated 16th Decr. 1919; 140, dated 18th January 1920, 187 dated 20th January 1920 274, dated 27th January 1920 and letter No.69 dated 9th January 1920. Eventually, since it did not appear that any immediate solution of this difficulty was possible, His Excellency in Council decided to take action in respect of those presses and papers with regard to which the law clearly allowed relaxation and on the 4th Febraury 1920 all District Magistrates and the Chief Presidency Magistrate were informed that the Government recommended a reconsideration of all orders passed under sections 3(1) and 8(1) of the Press Act, and it was publicly announced that this recommendation has been made. It is understood that all securities deposited under those actions have now been refunded.

3. There remained two cases in which enhanded security had been disposited under section 5 of the Act - the New India Printing Works and the British India Press, at which the newspaper 'Desabhaktan' is printed. With regard to the latter, no action has been taken. The 'Desabhaktan' is a paper of comparatively recent origin, having been started in December 1917; it has from the beginning been an uncompromising opponent of the Government and its attitude still gives little room for hope of co-operation and Hi

Excellency the Governor in Council is not convinced that even if it were possible, the enhanced security ought to be refunded.

4. The difficulty with regard to 'New India' has since been solved in an indirect manner. When Mrs. Besant first took over the 'Madras Standard' and changed its name to 'New India', the Press at which it was printed was exempt from security and it was not till May 1916 that the Government asked the Government Solicitor to move the Chief Presidency Magistrate to cancel his order of exemption and demand a security of Rs.2,000. The first security of Rs.2,000 deposited by Mrs. Besant for the New India Printing Works was declared forfeited under section 4(1) of the Press Act in August 1916 and an enhanced security of Rs.10,000 was required under section 5 and deposited. When Mrs. Besant was interned in June 1917 she presented an application under section 24 of the Act for the refund of her security on the ground that she had ceased to print 'New India' and keep the New India Printing Works. Mr. Telang at the same time declared that he had taken on this work; under section 3(1) of the Act he was required to furnish a security of Rs.2,000 for the Press and was exempted from security for the paper, and the enhanced security deposited by Mrs. Besant was refunded to her. Two months later under G.O. 1021 Public dated 11-8-1917, Mr. Telang's security was forfeited and he was required to deposit a fresh security of Rs.10,000. All this time it is to be noted that it was the Press, and not the paper, that was under security. However, no sooner had this enhanced, security been depositied than an ingenious attempt was made to circumvent the law and evade the security. Mr. Telang made a declaration under section 8 of Act XXV of 1867 that he had ceased to print 'New India' and that the paper was being printed by Mr. Ranga Reddi, the Keeper of the Besant Press, a smaller press, separately registered but situated in the same building and applied under section 24 of Act I of 1910 for the refund of his security of Rs.10,000 for the New India Printing Works. He stated that the Press had ceased to exist and that the machinery, type, paper etc had been transferred to Mr. Ranga Reddi, the keeper of the Besant

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Press in the same building. At the same time the paper was advertised as published at the Besant Press. The Chief Presidency Magistrate held a detailed enquiry, and in view of the fact that the paper was actually being printed in the same place and with the same machinery as before and of the admission made that no money had been paid for the transfer of the Press, concluded that the transaction was not genuine but was without consideration and entered into for the express purpose of avoiding the provisions of the Act. He was therefore not satisfied with Mr. Telang had cease to be the keeper of the Press and he refused to allow a refund of the security. This was in March 1918. A revision petition was filed against this order in the High Court, but apparently the hearing of the petition was held over pending the decision in the Privy Council Appeal Mrs. Annie Besant v. the advocate-General of Madras and another. The petition came up for hearing recently and in view of the altered circumstances of the case the Government instructed the Public Prosecutor to say that while Government opposed the revision petition as a matter of law they were now prepared to hold that Mr. Telang's absence from Madras for two years had demonstrated his severance from the Press and they would no longer oppose an application under section 24 if one was made to the Chief Presidency Magistrate. Application has now been made and the security has been refunded.

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History of the non-cooperation movement in the Madras Presidency 284

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S.F.NO.430 Dated 13th July, 1923.

Sub:-N.C.O. National Flag fight- Government Circular.

STRICTLY CONFIDENTIAL

GOVERNMENT OF MADRAS
PUBLIC DEPARTMENT

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Circular D.O.No. 260-S., dated 9th July 1923.

Dear Sir,

(Non-co-operation-National flag fight- Picketting liquor shops)

You have no doubt been following in the papers the progress of what is known as the National flg fight at Nagpur. It is clear that from the point of view of the non-co-operators the demonstrations there have been a great success and have served to stimulate popular enthusiasm in a moribund movement at a moment when it was badly needed. Indeed as the Hindu itself says: "There is nothing so well calculated to rouse the drooping spirit of the politically minded classes as the demonstration of Satyagraha on a nation wide sclae. The Government have therefore been considering the p possibility of a smiliar movement spreading to this Presidency and, in the event of itx doing so, the general lines of policy that should be adopted in dealing with it.

2. With this object in view they have consulted a few District Magistrates and the consensus of opinion seems to be that there is a considerable likelihood of efforts being made to repeat the Nagpur programme in this Presidency beginning with Gandhi day on July 18th but that there is not much prospect of the movement meeting with any large measure of popular support so long as official interferenceis limited to the

minimum required for the maintenance of law and order.

3. With this opinion the Government as at present advised are in general agreement. There can be no doubt, as indicated above, that the movement is primarily intended to be provocative; if started in this Presidency at all, its promoters will probably cho se a field of operations in which they consider that the local officers will be most likely to oppose their action; and it would simply be playing into theirx hands to exaggerate the importance of the occasion by taking unnecessarily repressive action and issuing orders under section 144, Criminal Procedure Code, the legality of which might be open to question and which would be likely to evoke the sympathy of moderate Indians for their victims. On the other hand there are good grounds for believing that if the carrying of the flag is ignored, in the large majority of cases the effect desired by the non-co-operators will not be produced and interest in the whole movement will soon pall.

4. In this view the Government do not consider it necessary at present to examine the question whether the carrying of the flag is in itself an offence against the law. By itself it is probably not an offence, but in any case the line they would like you to take is to avoid official action, unless there is any real danger of a branch of the peace or similar trouble. They do not deny that there are possibilities of danger in the movement and they do not wish it to be understood for moment by the above instructions that you and your subordinates should refrain from action if such danger appears to be imminent. Deliberate attempts to defy authority and arouse racial antagonism cannot be disregarded and you should of course keep a careful watch on the progress of the movement and report any fresh developments that may appear to you to be of

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serious consequence. But in deciding whether action is necessary they consider that for the present the criterion should be not the intention of the persons who carry the flag, but the effect that is produced by their action. In some cases it may be advisable to order the summary removal of the flag and, if this is done, the order should be carried out as unostentatiously and with as little fuss as possible and without making arrests. In fact a resolute refusal to be provoked, coupled with a judicious use of the weapon of ridicule when the occasion permits, appear to the Government to provide a more effective remedy that the somewhat doubtful application of the law as it stands at present.

5. There is one further aspect of the movement which appears to the Government to deserve special treatment and that is the case of local bodies who may elect to fly the swaraj flag on their buildings and so forth wit the express object of showing their sympathy with the non-co-operation movement and their defiance of the Government. Whatever may be permitted to private individua[ls] such action on the part of local bodies cannot, in the opinion of the Government, be entirely ignored. But here again the action taken should not, in the first instance, be made unnecessarily public or official. It would proba[bly] be best to interview the chariman of the municipal counc[il] or president of the local body concerned or to ascertain from him demi-officially whether the flying of the fla[g] has his sanction and approval and, if so, to warn hi[m] that the attitude of his concil or board will be ta[ken into] account when the question of sanctioning financial [...] arises and that they cannot expect to receive g[...] a Government for which they have openly expres[sed] dislike and defiance. The issue of direct [...] to r[...] the flag which would be apt to [...]

6.00
3.25

body in the action they had taken, should be avoided as far as possible.

6. I am directed to request that you will bring these views to the notice of the subordinate magistracy in your district and impress upon them the undesirability of taking hasty or ill-considered action in the matter at the present juncture.

7. The question as to the attitude to be taken up in the matter of the picketting of liquor shops is sli[illegible] different. As regards this I am to say that, while [illegible] Government are quite in sympathy with legitimate att[illegible] to promote the cause of temperance, they cannot view wi[illegible] equanimity the activities of persons who adopt methods of intimidation or persecution. While therefore they do not desire to prevent or interfere with genuine atte[illegible] at persuading the habitues of liquor shops to abs[illegible] drinking, in cases where instead of one or two perso[illegible] being engaged in the task of peaceful persuasion a la[illegible] and shouting crowd gathers before a toddy shop and start[illegible] in intimidating and persecuting those trying to enter, it is not only right but it is the imperative duty of Government to step in and prevent aggressive infringement of personal liberty of action. You will no doubt bear this in mind and take whatever action seems to you essential in individual cases as they arise.

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